

and providing prima facie evidence as to possession; providing a penalty, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, April 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 67, Instructing the Enrolling Clerk to amend the emergency clause of House Bill No. 547 to conform with the body of the bill,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, April 3, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 68, Instructing the Enrolling Clerk to amend the caption of House Bill No. 692 to conform with the body of the bill,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

FORTY-THIRD DAY

(Thursday, April 4, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Butler of Karnes
Adamson	Cagle
Adkins	Caldwell
Aikin	Calvert
Alexander	Canon
Alsup	Celaya
Ash	Clayton
Atchison	Collins
Beck	Colquitt
Bergman	Colson
Bourne	Cooper
Bradbury	Cowley
Bradford	Craddock
Broyles	Crossley
Burton	Daniel
Butler of Brazos	Davis

Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Luker
Dunagan	Mauritz
Dunlap of Hays	McCalla
Dunlap of Kleberg	McConnell
Duvall	McFarland
Dwyer	McKee
England	McKinney
Fain	Moffett
Farmer	Moore
Fisher	Morris
Fitzwater	Morrison
Ford	Morse
Fox	Newton
Frazer	Nicholson
Fuchs	Olsen
Gibson	Padgett
Glass	Palmer
Good	Patterson
Graves	Payne
Gray	Petsch
Greathouse	Pope
Hankamer	Quinn
Hanna	Reader
Hardin	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Roach of Angelina
Hartzog	Roane
Head	Roark
Herzik	Roberts
Hill	Rogers
Hodges	Russell
Hofheinz	Rutta
Holland	Scarborough
Hoskins	Settle
Howard	Shofner
Huddleston	Smith
Hunt	Spears
Hunter	Stanfield
Jackson	Steward
James	Stinson
Jefferson	Stovall
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Runnels	Thornton
Jones of Shelby	Tillery
Jones of Wise	Venable
Keefe	Waggoner
King	Walker
Knetsch	Wells
Lange	Westfall
Lanning	Wood of Harrison
Latham	Wood of Montague
Leath	Worley
Lemens	Young
Leonard	Youngblood
Lindsey	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

A quorum was announced present.
Rev. Geo. W. Coltrin, Chaplain,
offered the following invocation:

"O God, our God, how excellent is Thy name in all the earth. We realize our obligation to Thee as well as to our State, and we humbly pray for Thy special consideration of us today as we confront conditions that are difficult and uncertain. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Riddle for today, on motion of Mr. Jones of Shelby.

Mr. Roach of Hunt for today and the balance of the week, on motion of Mr. James.

Mr. Dickison for today and tomorrow, on motion of Mr. Hill.

Mr. Hyder for today, on motion of Mr. Worley.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Roane:

H. B. No. 924, A bill to be entitled "An Act providing for relief for the Brown Common School District No. 13, of Fort Bend County, Texas, in order to aid said district in rebuilding its property and equipping its school which was destroyed by fire recently; providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Steward:

H. B. No. 925, A bill to be entitled "An Act amending Article 4631, Revised Civil Statutes of the State of Texas, 1925, relating to the residence of plaintiff in suits for divorce, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Leath (by request):

H. B. No. 926, A bill to be entitled "An Act amending Article 6674-k, of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Celaya:

H. B. No. 927, A bill to be entitled "An Act providing for the issuance of license to and the payment of license by all persons, firms, and corporations engaging in the business of making secured loans, providing for cancellation by the Banking Commission of such license for good cause after notice herein, providing that it shall be unlawful to engage in the business of making secured loans without a license, providing penalties, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Calvert:

H. B. No. 928, A bill to be entitled "An Act to exempt banking institutions from furnishing security for any deposits to the extent such deposits are insured under Section 12-b of the Federal Reserve Act, as amended, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Calvert:

H. B. No. 929, A bill to be entitled "An Act to authorize any bank, trust company, bank and trust company, banking association, stock savings bank or mutual savings bank now or hereafter organized under the laws of this State, or the conservator, receiver, or liquidator thereof, with the consent and approval of the Banking Commissioner, to enter into such contracts, incur such obligations and generally to do such acts as may be appropriate or necessary to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights, or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or their conservators, liquidators, or receivers, by virtue of any Act or Resolution of the Congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the Act creating the Federal Deposit Insurance Corporation, etc., and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Calvert:

H. B. No. 930, A bill to be entitled "An Act authorizing banking institutions to issue and sell capital notes or debentures; subordinating same to

other claims; defining the term "capital" as used in the Banking Laws relating to solvency of State banks to embrace the amount of capital notes and debentures outstanding, etc., and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Petsch:

H. B. No. 931, A bill to be entitled "An Act to amend Article 2283, Chapter 12, Title 42, of the Revised Civil Statutes of Texas, 1925, so as to provide for the filing of briefs in the trial court and in the Courts of Civil Appeals, for notice of filing thereof in trial court, and providing that Courts of Civil Appeals may grant further extensions of time for filing and submission, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Petsch:

H. B. No. 932, A bill to be entitled "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39, of the Revised Civil Statutes of Texas, 1925, so as to provide for the filing of records in the order received, for setting the cases for submission and the notification of parties of the receipt and the date set for hearing, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Worley, Mr. Rogers, Mr. Stanfield, Mr. Tarwater, Mr. Alexander, Mr. Latham, Mr. Quinn, and Mr. Russell:

H. B. No. 933, A bill to be entitled "An Act declaring the policy of the State regarding conservation of natural gas produced in the State; defining certain terms and phrases as used in the Act; creating the Texas Gas Conservation Corporation, a body politic and corporate, as an agency of the State; creating a board of directors of the corporation, providing for their appointment, tenure, qualifications and compensation; providing for removal of any director; providing for filling vacancies on the board of directors; requiring bond of each director; defining and prescribing the powers and purposes of the corporation, and defining and prescribing the powers and duties of the board of directors thereof; exempting all the properties of and bonds issued by the corporation and the income from such bonds from all State, county, municipi-

pal and other taxation whatsoever under the laws of the State of Texas except transfer and estate taxes, etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Alsup:

H. B. No. 934, A bill to be entitled "An Act defining certain words, terms and phrases used for the purposes of this Act; levying an additional tax of fifty cents per barrel on all beer imported into this State from any other State or foreign country for sale, handling, use, consumption, or distribution in the State of Texas; fixing penalties, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Roane:

H. B. No. 935, A bill to be entitled "An Act providing for an appropriation of four thousand four hundred twenty and 75/100 dollars (\$4,420.75) to the Richmond Independent School District, in payment for the taxes, upon certain property owned by the Prison Commission of the State of Texas and its successor the Texas Prison Board, that have accrued on said property for the years 1921 to 1929, inclusive, and which said taxes are unpaid and are justly due and owing by the State of Texas to said Richmond Independent School District; making an appropriation to said Richmond Independent School District as payment for said taxes, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Fuchs:

H. B. No. 936, A bill to be entitled "An Act making it unlawful to take squirrels in Washington County at any time other than during the months of May, June, July, October, November, and December, or to take more than ten squirrels in one day or to possess more than twenty squirrels at one time; providing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Roane:

H. B. No. 937, A bill to be entitled "An Act making it unlawful for any

person, firm, corporation, or association of persons to make, mold, manufacture, stamp, or design any metal slug or disk in equal size to a denominational unit of the United States money; fixing penalties, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

BILLS LAID ON TABLE SUBJECT TO CALL

On motion of Mr. Padgett, House Bill No. 522 was laid on the table subject to call.

On motion of Mr. Quinn, House Bill No. 468 was laid on the table subject to call.

On motion of Mr. Broyles, House Bills Nos. 193 and 198 were laid on the table subject to call.

On motion of Mr. Frazer, House Bill No. 574 was laid on the table subject to call.

On motion of Mr. Clayton, House Bill No. 691 was laid on the table subject to call.

On motion of Mr. Lotief, House Bill No. 592 was laid on the table subject to call.

On motion of Mr. Lanning, House Bill No. 454 was laid on the table subject to call.

On motion of Mr. Reed of Dallas, House Bill No. 223 was laid on the table subject to call.

On motion of Mr. Roane, House Bill No. 171 was laid on the table subject to call.

RELATIVE TO SENATE BILL NO. 459

On motion of Mr. Tarwater, the Twenty-four-hour House Rule, relative to the consideration of printed bills, was suspended for the purpose of considering Senate Bill No. 459.

RELATIVE TO SENATE BILL NO. 450

On motion of Mr. Fisher, the Twenty-four-hour House Rule, relative to the consideration of printed bills, was suspended for the purpose of considering Senate Bill No. 450.

RELATIVE TO SENATE BILL NO. 169

On motion of Mr. Hankamer, the Twenty-four Hour House Rule, rel-

ative to the consideration of printed bills, was suspended for the purpose of considering Senate Bill No. 169.

MOTION TO RE-REFER HOUSE BILL NO. 761

Mr. Farmer moved that House Bill No. 761 be withdrawn from the Committee on State Affairs, and referred to the Committee on Agriculture.

The motion was lost.

BILL ORDERED NOT PRINTED

On motion of Mr. Colquitt, Senate Bill No. 462 was ordered not printed.

MOTIONS TO LAY BILLS ON THE TABLE SUBJECT TO CALL

Mr. Morris moved that House Bill No. 741 be laid on the table subject to call.

Question recurring on the motion by Mr. Morris, yeas and nays were demanded.

The motion was lost (not receiving the necessary two-thirds vote) by the following vote:

Yeas—74

Adamson	Hoskins
Adkins	Huddleston
Aikin	Hunt
Atchison	Hunter
Bergman	Jones of Falls
Bourne	Jones of Runnels
Bradbury	Jones of Shelby
Broyles	Jones of Wise
Burton	Keefe
Cagle	Latham
Calvert	Lemens
Canon	Lindsey
Colson	Lucas
Craddock	Mauritz
Crossley	McConnell
Daniel	McKinney
Davis	Moffett
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Padgett
Dwyer	Palmer
England	Petsch
Fain	Quinn
Fitzwater	Reader
Fox	Reed of Bowie
Fuchs	Roach of Angelina
Gibson	Rutta
Glass	Scarborough
Graves	Settle
Greathouse	Steward
Hardin	Stovall
Hill	Tarwater
Hodges	Tennyson

Tillery	Wood of Harrison
Venable	Wood of Montague
Waggoner	Worley
Walker	Youngblood
Westfall	

Nays—48

Alexander	Jefferson
Alsup	Jones of Atascosa
Ash	King
Butler of Brazos	Knetsch
Butler of Karnes	Leath
Celaya	Lotief
Collins	McCalla
Colquitt	McFarland
Cowley	McKee
Dunagan	Moore
Farmer	Newton
Fisher	Nicholson
Ford	Olsen
Frazer	Patterson
Hankamer	Reed of Dallas
Hanna	Roark
Harris of Dallas	Roberts
Hartzog	Russell
Head	Shofner
Hofheinz	Smith
Holland	Stanfield
Howard	Stinson
Jackson	Thornton
James	Young

Absent

Beck	Lange
Bradford	Lanning
Caldwell	Leonard
Clayton	Luker
Cooper	Morse
Dunlap of Hays	Payne
Dunlap of Kleberg	Pope
Duvall	Roane
Good	Rogers
Gray	Spears
Harris of Archer	Wells
Herzik	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

Mr. McKee moved that House Bill No. 391 be laid on the table subject to call.

The motion was lost.

RESOLUTION ORDERED PRINTED

Mr. Lotief moved that House Joint Resolution No. 18, reported adversely, with a minority favorable report, be printed.

The motion prevailed.

ADDITIONAL SIGNERS OF HOUSE BILLS

By unanimous consent of the House, the following members were authorized to sign House bills, as follows:

Mr. Celaya: House Bill No. 829.
 Mr. Pope: House Bills Nos. 439, 588, and 820.
 Mr. Petsch: House Bill No. 755.
 Mr. Davison of Fisher: House Bill No. 923.
 Mr. Leath: House Bill No. 223.
 Mr. Keefe: House Bill No. 813.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 31, Granting D. R. Pinney, of Hudspeth County, permission to sue the State.

CONCERNING PRINTING CONTRACTS LET BY BOARD OF CONTROL

Mr. Greathouse offered the following resolution:

Whereas, Article 608 of the Revised Civil Statutes provides as follows, to wit: "The Board of Control shall contract for a term of not exceeding two years with responsible persons, firms, corporations, or associations of persons, who shall be residents of Texas, for supplying to the State all printing, binding, stationery, and supplies of like character for all departments, institutions, and boards, save and except such work as may be done at the various educational and eleemosynary institutions. Said contract shall be let to the lowest and best responsible bidder after public advertising of such proposed letting for once a week for four consecutive weeks in at least six newspapers of general circulation in this State. No two of such papers shall be published in the same county. The Board may reject any and all bids; the reason therefor shall be entered in full in the minutes of the Board and shall be open to the inspection of the public at all times. New contracts shall be made in the same manner as hereinbefore provided"; and

Whereas, The Board of Control of this State has ignored the provisions of this Statute for more than two years and has omitted, failed, and refused to observe the provisions of the above Statute and most of these printing contracts, if not all of them, have been let to Austin firms without

competitive bidding, and said Austin printing firms have been operating under contracts with the Board of Control that are now expired by law and are, therefore, illegal; now, therefore, be it

Resolved by the House of Representatives, That the Board of Control be instructed to observe the provisions of Article 608 of the Revised Civil Statutes, and that all contracts for State printing, binding, stationery, and supplies of like character for all departments, shall be forthwith cancelled, and that said Board of Control advertise for new contracts in obedience to said law, and that said contract shall be let to the lowest and best responsible bidder after public advertising for such bids as required by the provisions of this law.

GREATHOUSE,
DICKISON.

The resolution was read second time.

Mr. Russell moved that the resolution be referred to the Committee on Public Printing.

Mr. McCalla raised a point of order on further consideration of the resolution by Mr. Greathouse, on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

RELATIVE TO CERTAIN DOCUMENTS ON FILE IN BOARD OF CONTROL

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 18, Concerning certain documents on file in Board of Control.

Whereas, In the files of the Board of Control there are great volumes of cancelled bids and rejected bids and other documents of no historical or record value to the State, present or prospective; and

Whereas, The storage space of the Board of Control is congested to the extent that there remains little space left for filing and storage of current files of documents of some value as records, as well as for historical purposes; and

Whereas, The congested condition of said storage rooms in the basement

of the Capitol and elsewhere in the building constitutes a fire hazard of serious and threatening proportions; now, therefore, be it

Resolved by the Senate of the Legislature of the State of Texas, the House of Representatives of said body concurring, That the Board of Control be, and it is hereby, instructed to go through its files in said storage rooms and remove therefrom such papers and documents as have been on file at least three years, and, in the judgment of the Board of Control, shall have and can have no possible historical record, or other value to the State of Texas, and to dispose of same in such manner as the Board of Control deems best; and be it further

Resolved, That the Board of Control be, and it is hereby, directed to exercise great care and caution in the classification of said papers and documents so to be disposed of to the end that nothing of any possible value to the State shall be removed and destroyed; and be it further

Resolved, That the Board of Control be, and it is hereby, directed to make a record description of all papers so disposed of and retain said record in the files of the Board of Control; said record description to be certified by a majority of the members of the Board.

The resolution was read second time.

On motion of Mr. Padgett, the resolution was referred to the Committee on Public Lands and Buildings.

MESSAGE FROM THE GOVERNOR

Mr. Edward Clark, secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,

Austin, Texas, April 4, 1935.

To the Members of the Forty-fourth Legislature:

For emergency consideration, I submit the following matter:

A bill creating the Texas Gas Conservation Corporation will be introduced in both houses today. The basis for this bill begins with an initial program conceived by certain mem-

bers of the Legislature early in this administration to conserve natural gas as an invaluable natural resource. Last January, work was begun on a plan designed to find markets for gas that was being blown into the air by wasteful processes of utilization. The idea was conceived of building pipe lines to new markets. Engineers and marketing experts were called into consultation. The problem was discussed with the Federal Administration at Washington to determine whether such program was economically sound and self-liquidating. After mature deliberation by men in whose ability I have confidence, it was decided to be feasible to construct a pipe line from the Texas Panhandle to St. Louis and Detroit, the two largest untouched natural gas markets in the United States.

After having concluded that this proposition was sound, and after it had been discussed with the National Administration, construction engineers and marketing experts began to work in earnest on the details of such a possible construction. The distribution companies for artificial gas at St. Louis and Detroit were contacted and an enthusiastic reception was accorded by the City of St. Louis and by the distributing company in Detroit. It has been impossible, of course, to make actual binding contracts with either of these distributing companies due to the absence of a contracting authority in the State. I am, however, assured by representatives of those markets that the market is available and that it is waiting the action of the State of Texas.

Last month an Act creating the Texas Gas Conservation Corporation was submitted to the legal department of the Public Works Administration in Washington. That department discussed the proposed measure with those departments of the Federal Government interested in the conservation of the natural resources of the Nation. Today I am submitting to you an Act that bears the approval of its terms by the legal department of the Public Works Administration and by those Federal Departments to which I have referred.

Furthermore, this plan has been discussed in detail and at length with some of the most eminent gas and legal authorities in the United States. Always without exception it has been pronounced fundamentally sound.

Far-reaching effects of this proposal are difficult to conceive. It is the estimate of engineers that the project will furnish forty-seven million six hundred thousand (47,600,000) man hours of employment, outside the fabrication of four hundred fifteen thousand (415,000) tons of steel. This means a veritable army of men now on the unemployment relief rolls will be put into useful and gainful employment. It means that steel mills will again hum with activity and that long deserted villages will spring again into hopeful existence. It means that cities that have struggled along with artificial fuel manufactured at high prices will be the recipient of a natural resource of this State now going to waste, and receive it at a low price that even the poor man can pay, thus not only promoting his financial welfare but his social existence as well. This project makes possible the permanent re-employment of three hundred American families who will operate and maintain the line.

These startling facts represent but a few of the benefits to flow from the project. In the Texas Panhandle, gas that is worth no more than a fraction of a cent, gas that is being blown into the air, will acquire a new important value. The net profit arising from the construction of the line will become a part of the General Revenue Fund of the State and will be a source of income not from our own people, but from the benefits Texas affords the people of other States.

I submit this bill to you as an emergency. It is believed by its authors to be imperative that the corporation be established by the Legislature in order to be ready to present its formal application to the Public Works Administration when the new relief bill shall be passed by the American Congress. If we should wait, or if this bill should fall in the ranks of dissension, Texas will have passed up its golden opportunity of being the builder of America's greatest project. We will have passed up our opportunity to conserve the natural wealth of the State, at the same time realizing a substantial profit.

I am convinced that the proposal is self-liquidating. My confidence is based not upon idle speculation or hope but upon concrete engineering information.

I cannot conceive of a plan yet proposed by any branch of the American Government, whether State or Federal, that offers the possibilities offered by this proposal. It

1. Preserves our natural re-
2. Makes valuable the greatest gas reservoir in the world;
3. Provides useful employment for an army of the unemployed;
4. Provides permanent employment for three hundred families; sources;
5. Stimulates the basic steel industries to a greater extent than has been done since the beginning of the financial depression;
6. Promotes that democratic policy of bettering the social welfare;
7. Offers an opportunity to the State to realize without taxation a substantial financial profit from our natural gas;
8. Finally offers to the State of Texas an opportunity to be the outstanding State in the American Union in endeavoring to carry forward the policy of the American Government in re-establishing a period of economic security.

May I therefore urge this Legislature to co-operate to the fullest extent in the immediate passage of this measure as an emergency.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

MESSAGE FROM THE SENATE

Committee Room,

Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 751, A bill to be entitled "An Act reappropriating the unexpended balance of the appropriation made for contingent expenses of the Third Called Session of the Forty-third Legislature for the purpose of paying contingent expenses of the Fourth Called Session of the Forty-third Legislature and supplementing the appropriation made for that purpose, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 11 WITH SENATE AMENDMENTS

The Speaker laid before the House, for consideration at this time,

H. B. No. 11, A bill to be entitled "An Act making appropriation for the establishment, operation and maintenance of the Texas Centennial (including the Texas Centennial Central Exposition and other celebrations), for the period beginning February 1, 1935, and ending December 31, 1936; providing that this Act shall supplement the Act passed by the Second Called Session of the Forty-third Legislature creating the Texas Centennial Commission, and that this Act repeals such parts of said former Act as are in direct conflict with it; providing for Centennial celebrations in Texas during 1936 at historical places to be determined by Texas Centennial Commission, etc., and declaring an emergency"; with Senate amendments;

The Senate amendments having been laid before the House on yesterday, with motion by Mr. Stinson that the House concur in the Senate amendments, and motion by Mr. James that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses, pending.

Mr. Stinson withdrew the motion that the House concur in the Senate amendments.

Question recurring on the motion by Mr. James, it prevailed.

Mr. Lotief moved that the conference committee be instructed to retain the provision in the bill, as regards 15 per cent of the gross receipts.

Mr. Alsup raised the point of order on consideration of the motion by Mr. Lotief, on the ground that it is not in order to instruct the conference committee at this time, because same has not been appointed.

The Speaker overruled the point of order.

Mr. Stinson moved to table the motion by Mr. Lotief.

The motion to table was lost.

Question recurring on the motion by Mr. Lotief, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—81

Adkins	Jones of Shelby
Aikin	Jones of Wise
Alexander	Keefe
Alsup	Knetsch
Atchison	Lanning
Beck	Latham
Bergman	Lemens
Bourne	Lindsey
Bradbury	Lotief
Broyles	Lucas
Burton	Mauritz
Cagle	McCalla
Calvert	McConnell
Canon	McKee
Cowley	Moffett
Craddock	Moore
Davis	Morris
Davison of Fisher	Palmer
Davisson	Petsch
of Eastland	Quinn
Dunagan	Reed of Bowie
Fain	Roach of Angelina
Farmer	Roark
Fisher	Rogers
Fitzwater	Russell
Fox	Settle
Frazer	Shofner
Gibson	Smith
Glass	Spears
Gray	Stanfield
Greathouse	Steward
Hardin	Stovall
Harris of Archer	Tarwater
Head	Tennyson
Herzik	Venable
Hodges	Walker
Hofheinz	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
James	Worley
Jones of Runnels	Youngblood

Nays—44

Adamson	Jackson
Bradford	Jones of Atascosa
Butler of Brazos	Jones of Falls
Butler of Karnes	King
Clayton	Leath
Collins	McFarland
Colquitt	McKinney
Cooper	Morrison
Crossley	Morse
Duvall	Newton
Dwyer	Nicholson
Ford	Patterson
Fuchs	Payne
Hankamer	Reader
Hanna	Reed of Dallas
Harris of Dallas	Roberts
Hartzog	Rutta
Hill	Scarborough
Holland	Stinson
Hoskins	Thornton
Howard	Waggoner
Hunter	Wood of Montague

Present—Not Voting

England

Absent

Ash	Lange
Caldwell	Leonard
Celaya	Luker
Colson	Olsen
Daniel	Padgett
Dunlap of Hays	Pope
Dunlap of Kleberg	Roane
Good	Tillery
Graves	Young
Jefferson	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

Mr. Reader made the following motion:

"I move that the committee be further instructed that San Antonio and Houston shall each be allotted no less than three hundred and fifty thousand dollars (\$350,000) each for historic celebrations or monuments as outlined in the original House bill in memory of the Alamo and the Battle of San Jacinto."

READER,
McCALLA,
GIBSON.

The motion was lost.

RECESS

On motion of Mr. Dunagan, the House at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

CONCERNING INSTRUCTIONS OF
HOUSE CONFEREES ON HOUSE
BILL NO. 11

Mr. Stovall made the following motion:

"I move that the conference committee be instructed to urge the amendment of House Bill No. 11 to read as follows:

"Amend House Bill No. 11, page 1, Section 2, line 29, by inserting the word 'not' after the word 'shall'."

Mr. Frazer moved the previous question on motions instructing the conference committee on House Bill

No. 11, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Question then recurring on the motion by Mr. Stovall, it prevailed.

Mr. Keefe moved to reconsider the vote by which the motion of Mr. Lotief, instructing the conference committee on House Bill No. 11, to retain the provisions in regard to the 15 per cent gross receipts, was adopted.

Mr. Fox moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—55

Adkins	Holland
Aikin	Huddleston
Alsup	Jones of Runnels
Ash	Jones of Wise
Beck	Lanning
Bourne	Latham
Broyles	Lemens
Burton	Leonard
Cagle	Lindsey
Calvert	Lucas
Celaya	Mauritz
Craddock	McCalla
Crossley	Palmer
Davison of Fisher	Petsch
Dunlap of Hays	Reader
Fain	Roach of Angelina
Farmer	Roark
Fitzwater	Russell
Fox	Shofner
Graves	Steward
Gray	Tennyson
Greathouse	Venable
Harris of Archer	Walker
Hartzog	Westfall
Head	Wood of Harrison
Herzik	Worley
Hodges	Youngblood
Hofheinz	

Nays—55

Adamson	Dunagan
Alexander	Duvall
Atchison	England
Bradford	Fisher
Butler of Karnes	Ford
Caldwell	Fuchs
Canon	Hankamer
Collins	Hanna
Colquitt	Hardin
Cooper	Harris of Dallas
Daniel	Hill
Davis	Howard

Hunt	Patterson
Hunter	Payne
Hyder	Reed of Bowie
Jackson	Reed of Dallas
Jones of Atascosa	Roberts
Jones of Falls	Rutta
King	Smith
Knetsch	Spears
Lange	Stanfield
Leath	Stinson
McConnell	Stovall
McFarland	Tarwater
Morris	Thornton
Morrison	Waggoner
Morse	Wood of Montague
Newton	

Absent

Bergman	Keefe
Bradbury	Lotief
Butler of Brazos	Luker
Clayton	McKee
Colson	McKinney
Cowley	Moffett
Davisson	Moore
of Eastland	Nicholson
Dunlap of Kleberg	Olsen
Dwyer	Pope
Frazer	Quinn
Gibson	Roane
Glass	Rogers
Good	Scarborough
Hoskins	Settle
James	Tillery
Jefferson	Wells
Jones of Shelby	Young

Absent—Excused

Dickison	Riddle
Padgett	Roach of Hunt

Question recurring on the motion to reconsider the vote, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—82

Adamson	Dunagan
Alexander	Dunlap of Hays
Atchison	Duvall
Beck	Dwyer
Bradford	England
Burton	Ford
Butler of Karnes	Fuchs
Cagle	Glass
Caldwell	Good
Calvert	Graves
Canon	Gray
Clayton	Greathouse
Collins	Hankamer
Colquitt	Hanna
Colson	Harris of Dallas
Cooper	Hartzog
Cowley	Hill
Davison of Fisher	Hodges

Holland	Patterson
Hoskins	Payne
Howard	Petsch
Hunter	Pope
Jackson	Reed of Bowie
James	Reed of Dallas
Jones of Atascosa	Roberts
Jones of Runnels	Rutta
Keefe	Scarborough
King	Settle
Knetsch	Smith
Lange	Spears
Leath	Stanfield
Leonard	Steward
Lucas	Stinson
McFarland	Stovall
McKee	Thornton
McKinney	Waggoner
Moffett	Wells
Morris	Wood of Montague
Morrison	Worley
Morse	Young
Newton	Youngblood

Nays—38

Adkins	Hunt
Aikin	Jones of Wise
Alsup	Lanning
Bergman	Latham
Bourne	Lemens
Bradbury	Lindsey
Broyles	Mauritz
Craddock	McCalla
Davison	McConnell
of Eastland	Quinn
Fain	Roane
Farmer	Roark
Fisher	Russell
Fitzwater	Shofner
Fox	Tennyson
Gibson	Venable
Hardin	Walker
Harris of Archer	Westfall
Herzik	Wood of Harrison
Hofheinz	

Present—Not Voting

Crossley	Tarwater
----------	----------

Absent

Ash	Jones of Shelby
Butler of Brazos	Lotief
Celaya	Luker
Daniel	Moore
Davis	Nicholson
Dunlap of Kleberg	Olsen
Frazer	Palmer
Head	Reader
Huddleston	Roach of Angelina
Jefferson	Rogers
Jones of Falls	Tillery

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt
Padgett	

Question then recurring on the motion by Mr. Lotief, that the conferees be instructed to retain in the bill the 15 per cent gross receipts provisions, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—47

Adkins	Hofheinz
Aikin	Hunt
Bergman	Jones of Wise
Bourne	Knetsch
Bradbury	Lanning
Bradford	Latham
Broyles	Lemens
Cagle	Lindsey
Canon	Mauritz
Colson	McCalla
Davison of Fisher	McConnell
Davisson	Nicholson
of Eastland	Quinn
Fain	Roane
Farmer	Roark
Fisher	Russell
Fitzwater	Shofner
Fox	Tarwater
Gibson	Tennyson
Glass	Tillery
Graves	Walker
Greathouse	Westfall
Hardin	Wood of Harrison
Harris of Archer	Youngblood

Nays—73

Adamson	Howard
Alexander	Hunter
Atchison	Jackson
Burton	James
Butler of Karnes	Jefferson
Caldwell	Jones of Atascosa
Calvert	Jones of Falls
Clayton	Jones of Runnels
Collins	Keefe
Colquitt	King
Cooper	Lange
Cowley	Leath
Craddock	Leonard
Crossley	Lucas
Dunagan	McFarland
Dunlap of Hays	McKinney
Duvall	Moffett
Dwyer	Morris
England	Morrison
Ford	Morse
Fuchs	Newton
Good	Patterson
Hankamer	Payne
Hanna	Reader
Harris of Dallas	Reed of Bowie
Hartzog	Reed of Dallas
Head	Roberts
Herzik	Rutta
Hill	Scarborough
Hodges	Settle
Holland	Smith

Spears	Waggoner
Stanfield	Wells
Steward	Wood of Montague
Stinson	Worley
Stovall	Young
Thornton	

Absent

Alsup	Jones of Shelby
Ash	Lotief
Beck	Luker
Butler of Brazos	McKee
Celaya	Moore
Daniel	Olsen
Davis	Palmer
Dunlap of Kleberg	Petsch
Frazer	Pope
Gray	Roach of Angelina
Hoskins	Rogers
Huddleston	Venable

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt
Padgett	

Mr. Keefe made the following motion:

"I move that the conference committee of the House be instructed to write into House Bill No. 11 an amendment providing that Dallas and other cities receiving any funds under this bill pay back, either from gate receipts or from any other source of revenue the conferees may prescribe, the pro rata part of the funds they receive."

Mr. Hanna raised a point of order on further consideration of the motion by Mr. Keefe at this time, on the ground that the motion is not within the terms of the bill as passed by the House.

The Speaker sustained the point of order.

Mr. Morris made the following motion:

"I move to instruct the conference committee on House Bill No. 11 not to concur in the provision calling for a change in the personnel of the present Centennial Commission."

The motion was lost.

Mr. Pope made the following motion:

"I move that the conference committee be instructed to allocate to Huntsville, Gonzales, Goliad, Corpus Christi, Nacogdoches, San Augustine, and Groesbeck each the sum of \$50,000 on such matching of funds as the

committee may designate for memorials."

Mr. Harris of Dallas raised a point of order on further consideration of the motion by Mr. Pope, on the ground that it seeks to amend the original bill, which is out of order at this time.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 424, A bill to be entitled "An Act to amend Chapter 98 of the General Laws of the State of Texas as passed by the Regular Session of the Forty-first Legislature, by adding thereto Section 1-a, so as to provide for the purchase of a part of the law books for the Courts of Civil Appeals out of the court fees collected by said courts, and declaring an emergency." (With amendment.)

H. B. No. 722, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which, according to the latest Federal Census, had a population of not fewer than 7,550 and not more than 7,580, whether organized under General or Special Law, repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

RELATIVE TO HOUSE BILL
NO. 933

Mr. Aikin moved to reconsider the vote by which House Bill No. 933 was ordered printed in mimeograph form and not otherwise printed.

Mr. Pope moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Alexander	Keefe
Alsup	King
Ash	Knetsch
Beck	Lanning
Bourne	Leath
Bradbury	Lemens
Bradford	Leonard
Butler of Karnes	Lindsey
Cagle	Lucas
Calvert	Mauritz
Clayton	McKee
Colson	McKinney
Crossley	Morris
Daniel	Newton
Davisson	Nicholson
of Eastland	Olsen
Dwyer	Patterson
England	Payne
Fain	Pope
Fisher	Quinn
Fitzwater	Reader
Ford	Roberts
Glass	Rogers
Hankamer	Scarborough
Hanna	Settle
Hardin	Spears
Harris of Archer	Stanfield
Harris of Dallas	Stinson
Head	Tarwater
Holland	Tennyson
Howard	Thornton
Hunt	Tillery
Jackson	Walker
James	Wells
Jefferson	Worley
Jones of Shelby	Young
Jones of Wise	

Nays—51

Adamson	Jones of Runnels
Adkins	Latham
Aikin	McCalla
Bergman	McConnell
Broyles	McFarland
Burton	Moffett
Caldwell	Morrison
Canon	Padgett
Collins	Petsch
Colquitt	Reed of Bowie
Cooper	Reed of Dallas
Davison of Fisher	Roach of Angelina
Dunagan	Roane
Dunlap of Hays	Roark
Farmer	Russell
Gibson	Rutta
Good	Shofner
Graves	Smith
Gray	Steward
Hartzog	Stovall
Herzik	Waggoner
Hodges	Westfall
Hofheinz	Wood of Harrison
Hoskins	Wood of Montague
Huddleston	Youngblood
Jones of Falls	

Present—Not Voting

Jones of Atascosa

Absent

Atchison	Greathouse
Butler of Brazos	Hill
Celaya	Hunter
Cowley	Lange
Craddock	Lotief
Davis	Luker
Dunlap of Kleberg	Moore
Duvall	Morse
Fox	Palmer
Frazer	Venable
Fuchs	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

HOUSE BILL NO. 385 WITH
SENATE AMENDMENTS

Mr. Ash called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 385, A bill to be entitled "An Act prohibiting the hunting, trapping, ensnaring, or killing of any wild deer, buck, doe, fawn, or wild turkey within the limits of the County of Bastrop, State of Texas, for a period of five years from and after the passage of this Act, and providing a penalty therefor."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Ash, the House concurred in the Senate amendments by the following vote:

Yeas—113

Adamson	Davisson
Adkins	of Eastland
Aikin	Dunagan
Alexander	Dunlap of Hays
Alsup	Dwyer
Ash	England
Bergman	Fain
Bourne	Farmer
Bradbury	Fitzwater
Bradford	Ford
Broyles	Gibson
Burton	Glass
Butler of Karnes	Good
Cagle	Graves
Caldwell	Greathouse
Canon	Hankamer
Clayton	Hanna
Collins	Hardin
Colquitt	Harris of Archer
Cooper	Harris of Dallas
Crossley	Hartzog

Head	Newton
Herzik	Nicholson
Hodges	Olsen
Hofheinz	Padgett
Holland	Patterson
Hoskins	Payne
Howard	Petsch
Huddleston	Quinn
Hunt	Reader
Jackson	Reed of Bowie
James	Reed of Dallas
Jones of Atascosa	Roach of Angelina
Jones of Falls	Roane
Jones of Runnels	Roark
Jones of Wise	Roberts
Keefe	Russell
King	Rutta
Knetsch	Scarborough
Lange	Settle
Lanning	Shofner
Latham	Spears
Leath	Steward
Lemens	Stinson
Leonard	Stovall
Lindsey	Tarwater
Lucas	Tennyson
Mauritz	Thornton
McCalla	Tillery
McConnell	Waggoner
McFarland	Walker
McKee	Wells
McKinney	Westfall
Moffett	Wood of Harrison
Morris	Wood of Montague
Morrison	Young
Morse	Youngblood

Absent

Atchison	Fuchs
Beck	Gray
Butler of Brazos	Hill
Calvert	Hunter
Celaya	Jefferson
Colson	Jones of Shelby
Cowley	Lotief
Craddock	Luker
Daniel	Moore
Davis	Palmer
Davison of Fisher	Pope
Dunlap of Kleberg	Rogers
Duvall	Smith
Fisher	Stanfield
Fox	Venable
Frazer	Worley

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 751, "An Act reappropriating the unexpended balance of the appropriation made for contingent expenses of the Third Called Session of the Forty-third Legislature for the purpose of paying contingent expenses of the Fourth Called Session of the Forty-third Legislature and supplementing the appropriation made for that purpose, and declaring an emergency."

H. B. No. 385, "An Act prohibiting the hunting, trapping, ensnaring, or killing of any wild deer, buck, doe, fawn, or wild turkey within the limits of the Counties of Bastrop, Hemphill, Hutchinson, and Montgomery, State of Texas, for a period of five (5) years from and after the passage of this Act, and providing a penalty therefor."

H. B. No. 722, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which, according to the latest Federal Census, had a population of not fewer than 7,550 and not more than 7,580, whether organized under General or Special Law, repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

SENATE BILL NO. 294 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 294, A bill to be entitled "An Act (to be known as Article 2777-c, of the Revised Civil Statutes of 1925) providing for the election of school trustees in independent school districts created by special Act having within their boundaries a city with a population of not less than 160,000 nor more than 220,000, according to the last preceding Federal Census; fixing the terms of office of such school trustees at six years; extending the present terms of office of certain of such school trustees; providing for the filling of vacancies; and the manner of holding elections; repealing all laws and parts of laws (general or special) in conflict with this Act, and declaring an emergency."

The bill was read second time.

Mr. Petsch moved the previous question on the pending amendments

on the Speaker's desk and the bill, and the main question was ordered.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 294 by striking out "(b)" of Section 3 on page 2.

The amendment was lost.

Mr. Farmer offered the following amendment to the bill:

Amend Senate Bill No. 294 by striking out line 30 on page 2.

The amendment was lost.

Senate Bill No. 294 was then passed to third reading.

SENATE BILL NO. 294 ON THIRD READING

Mr. Duvall moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 294 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101

Adamson	Harris of Dallas
Adkins	Head
Aikin	Hill
Alexander	Hodges
Alsup	Hofheinz
Ash	Hoskins
Beck	Howard
Bergman	Jackson
Bourne	James
Bradbury	Jefferson
Bradford	Jones of Falls
Broyles	Jones of Runnels
Burton	Jones of Shelby
Butler of Karnes	Jones of Wise
Caldwell	Keefe
Canon	King
Celaya	Knetsch
Collins	Lange
Colquitt	Lanning
Colson	Latham
Craddock	Lemens
Crossley	Leonard
Dunagan	Lucas
Dunlap of Hays	Mauritz
Duvall	McCalla
Dwyer	McFarland
Fain	McKee
Fisher	McKinney
Ford	Moffett
Gibson	Morrison
Glass	Morse
Good	Newton
Graves	Nicholson
Gray	Olsen
Hanna	Padgett
Harris of Archer	Patterson

Payne	Steward
Petsch	Stinson
Pope	Tarwater
Reed of Bowie	Tennyson
Reed of Dallas	Thornton
Roach of Angelina	Tillery
Roark	Venable
Roberts	Waggoner
Rogers	Walker
Russell	Westfall
Rutta	Wood of Harrison
Settle	Wood of Montague
Shofner	Young
Smith	Youngblood
Spears	

Nays—3

Farmer	McConnell
Huddleston	

Present—Not Voting

Cagle	Jones of Atascosa
Davisson	Lindsey
of Eastland	Roane
Hardin	

Absent

Atchison	Herzik
Butler of Brazos	Holland
Calvert	Hunt
Clayton	Hunter
Cooper	Leath
Cowley	Lotief
Daniel	Luker
Davis	Moore
Davison of Fisher	Morris
Dunlap of Kleberg	Palmer
England	Quinn
Fitzwater	Reader
Fox	Scarborough
Frazer	Stanfield
Fuchs	Stovall
Greathouse	Wells
Hankamer	Worley
Hartzog	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 294 before the House in its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—104

Adamson	Bradbury
Adkins	Bradford
Aikin	Burton
Alexander	Butler of Karnes
Alsup	Cagle
Ash	Caldwell
Beck	Canon
Bergman	Clayton
Bourne	Collins

Colquitt	Lemens
Colson	Leonard
Cooper	Lucas
Crossley	Mauritz
Daniel	McCalla
Dunagan	McFarland
Dunlap of Hays	McKee
Duvall	McKinney
Dwyer	Moffett
England	Morrison
Fisher	Morse
Ford	Newton
Fox	Nicholson
Gibson	Olsen
Glass	Padgett
Good	Patterson
Graves	Payne
Gray	Petsch
Hankamer	Quinn
Hanna	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Roach of Angelina
Hartzog	Roark
Head	Roberts
Hill	Russell
Hodges	Rutta
Hofheinz	Settle
Holland	Smith
Hoskins	Steward
Howard	Stinson
Hunt	Stovall
Jackson	Tarwater
James	Tennyson
Jones of Falls	Thornton
Jones of Runnels	Tillery
Jones of Shelby	Venable
Jones of Wise	Waggoner
Keefe	Walker
King	Westfall
Knetsch	Wood of Harrison
Lange	Wood of Montague
Latham	Young
Leath	Youngblood

Nays—5

Farmer	Lindsey
Greathouse	McConnell
Huddleston	

Present—Not Voting

Broyles	Lanning
Craddock	Morris
Davison	Roane
of Eastland	Shofner
Fain	Spears
Jones of Atascosa	

Absent

Atchison	Fitzwater
Butler of Brazos	Frazer
Calvert	Fuchs
Celaya	Hardin
Cowley	Herzik
Davis	Hunter
Davison of Fisher	Jefferson
Dunlap of Kleberg	Lotief

Luker	Rogers
Moore	Scarborough
Palmer	Stanfield
Pope	Wells
Reader	Worley

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

Reasons for Vote

I voted "no" on Senate Bill No. 294 for the reason that it is unconstitutional. It purports to be a local bill, but a local bill can not be passed to elect school trustees for six years.

Section 56, of Article III, of the Constitution provides that no local law shall be passed "regulating the affairs of schools."

If it could be a local law, no evidence was exhibited in the Legislature of its having been published for thirty days in the locality to be affected.

Section 30-a, of Article XVI, of the Constitution was tested out in a similar provision by a case found in 173 S. W., page 525. Later the Constitution was amended in Article VII, Section 16, to provide that school trustees might be elected for no longer than six years by a law passed by the Legislature, but this must be done by a general law, and there is no provision there that it may be done for a local law for any one school district.

This new amendment of the Constitution has never been tested except in reference to the length of term of a county school superintendent. That suit was found reported in 51 S. W. (2nd), 682. There the Supreme Court expressly held that they did not pass on a provision of the law involved, providing that the superintendent might be appointed in counties of more than 350,000 population, indicating to my mind that this would be an effort to invade a constitutional amendment.

It is respectfully submitted that this bill to give school trustees a six-year term in the City of Fort Worth is unconstitutional and the actions of quo warranto will lie against any one of them holding the office over two years.

It is further submitted that the Legislature has no right to legislate in office men for a longer term than

that for which they are elected by the people as they attempt to do under this bill.

FARMER.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 11

The Speaker announced the appointment of the following conference committee on House Bill No. 11: Messrs. Stinson, Dwyer, Morse, Hoskins, and Hartzog.

HOUSE CONCURRENT RESOLUTION NO. 50 WITH SENATE AMENDMENTS

Mr. Knetsch called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. C. R. No. 50, Providing for the appointment of a committee to study cotton export.

The Speaker laid the resolution before the House, with the Senate amendments.

Mr. Knetsch moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the resolution.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee: Messrs. Knetsch, Fuchs, Pope, Olsen, and Tarwater.

SENATE BILL NO. 146 ON PAS- SAGE TO THIRD READING

The Speaker laid before the House, as pending business,

S. B. No. 146, A bill to be entitled "An Act to create the Department of Public Safety of the State of Texas; and the Public Safety Commission."

The bill having heretofore been read second time.

Question—Shall Senate Bill No. 146 pass to third reading?

SENATE BILL NO. 260 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 260, A bill to be entitled "An Act providing that the District Attorney of the Seventh Judicial

District shall receive the same per diem for not to exceed sixty days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature, as he receives now under the provisions of said Acts; providing for additional allowance for expenses of said district attorney; making an appropriation, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 260 ON THIRD READING

Mr. Cooper moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson	Good
Adkins	Graves
Aikin	Gray
Alsup	Greathouse
Ash	Hankamer
Atchison	Hanna
Beck	Harris of Archer
Bourne	Hartzog
Bradbury	Head
Bradford	Herzik
Broyles	Hodges
Burton	Hofheinz
Butler of Karnes	Holland
Cagle	Howard
Caldwell	Huddleston
Canon	Hunt
Clayton	Jackson
Collins	James
Colquitt	Jones of Atascosa
Colson	Jones of Falls
Cooper	Jones of Runnels
Craddock	Jones of Shelby
Crossley	Jones of Wise
Daniel	Keefe
Davisson	King
of Eastland	Knetsch
Dunagan	Lange
Dunlap of Hays	Lanning
Duvall	Latham
England	Leath
Fain	Lemens
Farmer	Lindsey
Fisher	Lucas
Fitzwater	Mauritz
Ford	McCalla
Fox	McConnell
Gibson	McFarland
Glass	McKee

McKinney	Rogers
Moffett	Rutta
Moore	Settle
Morris	Shofner
Morrison	Smith
Newton	Stanfield
Nicholson	Stinson
Olsen	Stovall
Padgett	Tarwater
Patterson	Tennyson
Payne	Thornton
Pope	Tillery
Quinn	Venable
Reader	Waggoner
Reed of Bowie	Walker
Reed of Dallas	Wells
Roach of Angelina	Westfall
Roane	Wood of Harrison
Roark	Wood of Montague
Roberts	Worley

Nays—1

Davis

Absent

Alexander	Hunter
Bergman	Jefferson
Butler of Brazos	Leonard
Calvert	Lotief
Celaya	Luker
Cowley	Morse
Davison of Fisher	Palmer
Dunlap of Kleberg	Petsch
Dwyer	Russell
Frazer	Scarborough
Fuchs	Spears
Hardin	Steward
Harris of Dallas	Young
Hill	Youngblood
Hoskins	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 260 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Adamson	Canon
Adkins	Celaya
Aikin	Clayton
Alsup	Collins
Ash	Colquitt
Atchison	Cooper
Beck	Craddock
Bourne	Crossley
Bradbury	Daniel
Broyles	Davis
Burton	Davisson
Butler of Karnes	of Eastland
Caldwell	Dunagan

Dunlap of Hays	Mauritz
Duvall	McCalla
England	McFarland
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Fitzwater	Moore
Ford	Morris
Fox	Morrison
Fuchs	Newton
Gibson	Nicholson
Glass	Olsen
Good	Patterson
Gray	Payne
Greathouse	Quinn
Hankamer	Reader
Hanna	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Roach of Angelina
Harris of Dallas	Roane
Hartzog	Roark
Herzik	Rogers
Hodges	Rutta
Hofheinz	Settle
Holland	Shofner
Huddleston	Smith
Hunt	Spears
Jackson	Stinson
James	Stovall
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Runnels	Thornton
Jones of Shelby	Tillery
Jones of Wise	Venable
Keefe	Waggoner
Knetsch	Walker
Latham	Wells
Leath	Westfall
Lemens	Wood of Harrison
Lindsey	Wood of Montague
Lucas	Youngblood

Present—Not Voting

Cagle	Lanning
Colson	McConnell

Absent

Alexander	King
Bergman	Lange
Bradford	Leonard
Butler of Brazos	Lotief
Calvert	Luker
Cowley	Morse
Davison of Fisher	Palmer
Dunlap of Kleberg	Petsch
Dwyer	Pope
Frazer	Roberts
Graves	Russell
Head	Scarborough
Hill	Stanfield
Hoskins	Steward
Howard	Worley
Hunter	Young
Jefferson	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt
Padgett	

SENATE BILL NO. 450 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 450, A bill to be entitled "An Act to amend Subdivision 70, of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 450 ON THIRD READING

Mr. Bradford moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 450 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson	Fuchs
Adkins	Gibson
Aikin	Glass
Alsup	Good
Ash	Graves
Atchison	Gray
Beck	Greathouse
Bourne	Hankamer
Bradbury	Hardin
Bradford	Harris of Archer
Broyles	Harris of Dallas
Burton	Hartzog
Butler of Karnes	Head
Cagle	Herzik
Caldwell	Hodges
Canon	Holland
Clayton	Howard
Collins	Hunt
Colquitt	Jackson
Colson	James
Craddock	Jones of Falls
Crossley	Jones of Runnels
Daniel	Jones of Shelby
Davisson	Jones of Wise
of Eastland	Keefe
Dunlap of Hays	King
England	Knetsch
Fain	Lanning
Farmer	Latham
Fisher	Leath
Fitzwater	Lemens
Fox	Leonard
Frazer	Lindsey

Lucas	Roane
Mauritz	Roark
McCalla	Roberts
McConnell	Russell
McFarland	Rutta
McKee	Settle
McKinney	Shofner
Moffett	Smith
Moore	Spears
Morris	Stanfield
Morrison	Stovall
Newton	Tarwater
Nicholson	Tennyson
Olsen	Thornton
Padgett	Tillery
Patterson	Venable
Payne	Waggoner
Petsch	Wells
Pope	Westfall
Quinn	Wood of Harrison
Reed of Bowie	Wood of Montague
Reed of Dallas	Young
Roach of Angelina	Youngblood

Absent

Alexander	Hoskins
Bergman	Huddleston
Butler of Brazos	Hunter
Calvert	Jefferson
Celaya	Jones of Atascosa
Cooper	Lange
Cowley	Lotief
Davis	Luker
Davison of Fisher	Morse
Dunagan	Palmer
Dunlap of Kleberg	Reader
Duvall	Rogers
Dwyer	Scarborough
Ford	Steward
Hanna	Stinson
Hill	Walker
Hofheinz	Worley

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 450 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adamson	Broyles
Adkins	Burton
Aikin	Butler of Karnes
Alsup	Cagle
Ash	Caldwell
Atchison	Canon
Beck	Clayton
Bergman	Collins
Bourne	Colquitt
Bradford	Colson

Craddock	Lindsey
Crossley	Lucas
Daniel	Mauritz
Davisson	McCalla
of Eastland	McConnell
Dunagan	McFarland
Dunlap of Hays	McKee
England	McKinney
Fain	Moffett
Fisher	Moore
Fitzwater	Morris
Fox	Morrison
Fuchs	Newton
Gibson	Nicholson
Glass	Olsen
Good	Padgett
Graves	Patterson
Gray	Payne
Hankamer	Petsch
Hardin	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Roach of Angelina
Hartzog	Roane
Head	Roark
Herzik	Russell
Hill	Rutta
Hodges	Settle
Hofheinz	Shofner
Hunt	Smith
Jackson	Spears
James	Stanfield
Jones of Falls	Steward
Jones of Runnels	Tarwater
Jones of Shelby	Thornton
Jones of Wise	Tillery
Keefe	Venable
King	Waggoner
Knetsch	Wells
Lanning	Westfall
Latham	Wood of Harrison
Leath	Wood of Montague
Lemens	Young
Leonard	Youngblood

Absent

Alexander	Huddleston
Bradbury	Hunter
Butler of Brazos	Jefferson
Calvert	Jones of Atascosa
Celaya	Lange
Cooper	Lotief
Cowley	Luker
Davis	Morse
Davison of Fisher	Palmer
Dunlap of Kleberg	Pope
Duvall	Quinn
Dwyer	Reader
Farmer	Roberts
Ford	Rogers
Frazer	Scarborough
Greathouse	Stinson
Hanna	Stovall
Holland	Tennyson
Hoskins	Walker
Howard	Worley

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

SENATE BILL NO. 324 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 324, A bill to be entitled "An Act prohibiting any person from catching, retaining, or having in his possession any channel catfish or blue catfish which are less than eleven inches in length or to catch or retain or have in his possession in any one day a total aggregate of more than twenty of such fish taken from any of the waters described in Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and providing a maximum number of hooks that may be used on any trot-line and the minimum distance of said hooks from each other on said line; and providing the minimum distance from each other that any trot-lines may be set and the number of trot-lines that any party composed of any two or more persons may set or use at the same time in the waters described in said Section 1 of Chapter 37 of the Acts of the Thirty-ninth Legislature; and defining what is meant by the word 'party' as used in this Act, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 324 ON THIRD READING

Mr. McFarland moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 324 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adamson	Broyles
Adkins	Burton
Aikin	Butler of Karnes
Alsup	Cagle
Atchison	Caldwell
Beck	Canon
Bergman	Clayton
Bourne	Collins
Bradford	Colquitt

Colson	Lemens
Cooper	Leonard
Craddock	Lucas
Crossley	Mauritz
Daniel	McCalla
Davis	McConnell
Davisson	McFarland
of Eastland	McKee
Dunagan	Moore
Dunlap of Hays	Morris
Dunlap of Kleberg	Morrison
England	Newton
Fain	Nicholson
Farmer	Olsen
Fisher	Padgett
Fox	Patterson
Frazer	Payne
Fuchs	Petsch
Gibson	Pope
Glass	Quinn
Graves	Reader
Gray	Reed of Bowie
Greathouse	Reed of Dalias
Hankamer	Roach of Angelina
Hardin	Roane
Harris of Archer	Roark
Harris of Dallas	Russell
Hartzog	Rutta
Head	Settle
Herzik	Shofner
Hill	Smith
Hodges	Spears
Hofheinz	Stanfield
Holland	Steward
Howard	Stovall
Hunt	Tarwater
Jackson	Thornton
James	Tillery
Jones of Atascosa	Venable
Jones of Falls	Waggoner
Jones of Runnels	Walker
Jones of Shelby	Westfall
Jones of Wise	Wood of Harrison
Knetsch	Wood of Montague
Lanning	Young
Latham	Youngblood
Leath	

Nays—2

Lindsey	Moffett
---------	---------

Absent

Alexander	Hanna
Ash	Hoskins
Bradbury	Huddleston
Butler of Brazos	Hunter
Calvert	Jefferson
Celaya	Keefe
Cowley	King
Davison of Fisher	Lange
Duvall	Lotief
Dwyer	Luker
Fitzwater	McKinney
Ford	Morse
Good	Palmer

Roberts	Tennyson
Rogers	Wells
Scarborough	Worley
Stinson	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 324 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adamson	Herzik
Adkins	Hill
Aikin	Hodges
Alsup	Hoskins
Atchison	Howard
Beck	Hunt
Bergman	Jackson
Bourne	James
Bradbury	Jones of Atascosa
Bradford	Jones of Falls
Broyles	Jones of Runnels
Burton	Jones of Shelby
Butler of Karnes	Jones of Wise
Cagle	King
Caldwell	Knetsch
Canon	Lanning
Clayton	Latham
Collins	Leath
Colquitt	Lemens
Colson	Leonard
Cooper	Lucas
Craddock	Mauritz
Crossley	McCalla
Daniel	McConnell
Davis	McFarland
Davisson	McKee
of Eastland	McKinney
Dunagan	Moore
Dunlap of Hays	Morris
England	Morrison
Fain	Newton
Farmer	Nicholson
Fisher	Olsen
Fitzwater	Padgett
Ford	Patterson
Fox	Payne
Frazer	Quinn
Fuchs	Reader
Gibson	Reed of Bowie
Glass	Reed of Dallas
Graves	Roach of Angelina
Gray	Roane
Greathouse	Roark
Hankamer	Russell
Hanna	Rutta
Hardin	Settle
Harris of Dallas	Shofner
Hartzog	Smith
Head	Steward

Stovall	Wells
Tarwater	Westfall
Thornton	Wood of Harrison
Tillery	Wood of Montague
Venable	Young
Waggoner	Youngblood
Walker	

Nays—4

Harris of Archer	Moffett
Lindsey	Tennyson

Absent

Alexander	Keefe
Ash	Lange
Butler of Brazos	Lotief
Calvert	Luker
Celaya	Morse
Cowley	Palmer
Davison of Fisher	Petsch
Dunlap of Kleberg	Pope
Duvall	Roberts
Dwyer	Rogers
Good	Scarborough
Hofheinz	Spears
Holland	Stanfield
Huddleston	Stinson
Hunter	Worley
Jefferson	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

SENATE BILL NO. 459 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 459, A bill to be entitled "An Act to amend Subdivision 64 of Article 199 of Title 8 of the Revised Civil Statutes of the State of Texas, 1925, to change and prescribe the terms and time of holding District Courts of the Sixty-fourth Judicial District of the State, composed of Hale, Lamb, Swisher, Castro, and Bailey Counties, etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 459 ON THIRD READING

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 459 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—109

Adamson	Jones of Falls
Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	Keefe
Atchison	Knetsch
Beck	Lanning
Bergman	Latham
Bourne	Leath
Bradbury	Lemens
Broyles	Leonard
Burton	Lindsey
Butler of Karnes	Lucas
Cagle	Mauritz
Caldwell	McCalla
Canon	McConnell
Clayton	McFarland
Collins	McKee
Colquitt	Moffett
Colson	Moore
Cooper	Morris
Craddock	Morrison
Crossley	Newton
Daniel	Nicholson
Davis	Olsen
Davisson	Padgett
of Eastland	Patterson
Dunagan	Payne
Dunlap of Hays	Petsch
England	Pope
Fain	Quinn
Farmer	Reader
Fisher	Reed of Bowie
Ford	Reed of Dallas
Fox	Roach of Angelina
Frazer	Roane
Fuchs	Roark
Gibson	Russell
Glass	Rutta
Graves	Settle
Gray	Shofner
Greathouse	Smith
Hankamer	Spears
Hanna	Steward
Hardin	Stovall
Harris of Archer	Tarwater
Harris of Dallas	Thornton
Hartzog	Tillery
Head	Venable
Herzik	Waggoner
Hodges	Walker
Hofheinz	Wells
Holland	Westfall
Hunt	Wood of Harrison
Jackson	Wood of Montague
James	Youngblood

Absent

Alexander	Celaya
Ash	Cowley
Bradford	Davison of Fisher
Butler of Brazos	Dunlap of Kleberg
Calvert	Duvall

Dwyer	Lotief
Fitzwater	Luker
Good	McKinney
Hill	Morse
Hoskins	Palmer
Howard	Roberts
Huddleston	Rogers
Hunter	Scarborough
Jefferson	Stanfield
Jones of Atascosa	Stinson
Jones of Runnels	Tennyson
King	Worley
Lange	Young

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 459 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adamson	Hardin
Adkins	Harris of Archer
Aikin	Harris of Dallas
Alsup	Hartzog
Atchison	Head
Beck	Herzik
Bergman	Hodges
Bourne	Hofheinz
Bradbury	Holland
Bradford	Hoskins
Broyles	Howard
Burton	Huddleston
Butler of Karnes	Hunt
Cagle	Jackson
Caldwell	James
Canon	Jones of Falls
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Keefe
Cooper	Knetsch
Craddock	Lanning
Daniel	Latham
Davis	Leath
Davisson	Lemens
of Eastland	Leonard
Dunagan	Lindsey
Dunlap of Hays	Lucas
Dunlap of Kleberg	Mauritz
England	McCalla
Fain	McConnell
Farmer	McFarland
Fisher	McKee
Ford	Moffett
Fox	Moore
Gibson	Morris
Glass	Morrison
Graves	Newton
Gray	Nicholson
Greathouse	Olsen
Hankamer	Padgett
Hanna	Patterson

Payne	Steward
Pope	Stovall
Quinn	Tarwater
Reader	Tennyson
Reed of Bowie	Thornton
Reed of Dallas	Tillery
Roach of Angelina	Venable
Roane	Waggoner
Roark	Walker
Russell	Wells
Rutta	Westfall
Settle	Wood of Harrison
Shofner	Wood of Montague
Smith	Youngblood
Spears	

Absent

Alexander	Jones of Atascosa
Ash	Jones of Runnels
Butler of Brazos	King
Calvert	Lange
Celaya	Lotief
Clayton	Luker
Cowley	McKinney
Crossley	Morse
Davison of Fisher	Palmer
Duvall	Petsch
Dwyer	Roberts
Fitzwater	Rogers
Frazer	Scarborough
Fuchs	Stanfield
Good	Stinson
Hill	Worley
Hunter	Young
Jefferson	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

SENATE BILL NO. 361 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 361, A bill to be entitled "An Act creating 'Sabine-Neches Conservation District,' a conservation and reclamation district with the powers provided in Section 59 of Article XVI of the Constitution, to conserve, control, and utilize the waters of the Sabine and Neches Rivers and their tributaries, including their storm and flood waters, except said district shall have no power of taxation nor right to create any debt payable out of taxation, and declaring an emergency."

The bill was read second time.

Mr. Leonard offered the following committee amendment to the bill:

Amend Senate Bill No. 361 by adding a new section to read as follows:

"Section 32-a. There is hereby appropriated out of the General Funds of this State the sum of fifteen thousand dollars (\$15,000), not otherwise appropriated, or so much thereof as may be necessary, for the purpose of taking care of the expenses incident and necessary in making necessary investigations, maps, surveys, and for the purpose of securing all required data in the counties comprising Sabine-Neches Conservation District, said sum to be expended by the duly appointed directors of said district, provided, however, that no part of said amount shall be used to pay salaries, and shall be used only for the purpose of taking care of necessary cost of securing data as required by the Federal Government or any agency thereof."

Mr. Aikin offered the following amendment to the committee amendment:

Amend committee amendment to Senate Bill No. 361 by striking out "15,000" and insert in lieu thereof "5,000."

The amendment was adopted.

The committee amendment as amended was then adopted.

Mr. Glass offered the following amendment to the bill:

Amend Senate Bill No. 361 by adding Hopkins County to the list of counties enumerated in Section 3.

GLASS,
HUNT.

The amendment was adopted.

By unanimous consent of the House the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 361 was then passed to third reading.

SENATE BILL NO. 361 ON THIRD READING

Mr. Roach of Angelina moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 361 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107

Adamson	Beck
Aikin	Bergman
Alsup	Bourne
Atchison	Bradbury

Bradford	Jones of Wise
Broyles	Keefe
Burton	Knetsch
Butler of Karnes	Lanning
Cagle	Latham
Caldwell	Leath
Canon	Lemens
Clayton	Lucas
Collins	McCalla
Colquitt	McConnell
Colson	McFarland
Cooper	McKee
Craddock	Moffett
Daniel	Moore
Davis	Morris
Davisson	Morrison
of Eastland	Newton
Dunagan	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
Dwyer	Palmer
England	Patterson
Fain	Payne
Farmer	Petsch
Fisher	Pope
Fitzwater	Quinn
Ford	Reader
Fox	Reed of Dallas
Fuchs	Roach of Angelina
Gibson	Roark
Glass	Roberts
Graves	Russell
Gray	Rutta
Greathouse	Settle
Hankamer	Shofner
Hanna	Smith
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Thornton
Herzik	Tillery
Hodges	Venable
Hofheinz	Walker
Holland	Westfall
Hoskins	Wood of Harrison
Huddleston	Wood of Montague
Hunt	Worley
James	Young
Jones of Shelby	Youngblood

Nays—5

Howard	Stovall
Lindsey	Waggoner
Reed of Bowie	

Present—Not Voting

Roane

Absent

Adkins	Cowley
Alexander	Crossley
Ash	Davison of Fisher
Butler of Brazos	Duvall
Calvert	Frazer
Celaya	Good

Hill	Lotief
Hunter	Luker
Jackson	Mauritz
Jefferson	McKinney
Jones of Atascosa	Morse
Jones of Falls	Rogers
Jones of Runnels	Scarborough
King	Spears
Lange	Stanfield
Leonard	Wells

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 361 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adamson	Harris of Dallas
Adkins	Hartzog
Alsup	Head
Atchison	Herzik
Beck	Hodges
Bergman	Holland
Bradbury	Hoskins
Bradford	Howard
Broyles	Hunt
Burton	Hunter
Butler of Karnes	James
Cagle	Jones of Falls
Caldwell	Jones of Shelby
Canon	Jones of Wise
Clayton	Keefe
Collins	Knetsch
Colquitt	Lanning
Colson	Latham
Cooper	Leath
Craddock	Lemens
Daniel	Leonard
Davisson	Lucas
of Eastland	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McFarland
England	McKee
Fain	Moffett
Farmer	Moore
Fisher	Morris
Fitzwater	Morrison
Ford	Newton
Fox	Nicholson
Frazer	Olsen
Fuchs	Padgett
Gibson	Palmer
Glass	Patterson
Graves	Payne
Gray	Petsch
Greathouse	Pope
Hankamer	Quinn
Hanna	Reader
Hardin	Reed of Bowie

Reed of Dallas	Stinson
Roach of Angelina	Tarwater
Roberts	Thornton
Rogers	Tillery
Russell	Westfall
Rutta	Wood of Harrison
Settle	Wood of Montague
Shofner	Worley
Smith	Young
Steward	Youngblood

Nays—9

Aikin	Tennyson
Bourne	Venable
Harris of Archer	Waggoner
Lindsey	Walker
Stovall	

Present—Not Voting

Roane

Absent

Alexander	Jackson
Ash	Jefferson
Butler of Brazos	Jones of Atascosa
Calvert	Jones of Runnels
Celaya	King
Cowley	Lange
Crossley	Lotief
Davis	Luker
Davison of Fisher	McKinney
Duvall	Morse
Dwyer	Roark
Good	Scarborough
Hill	Spears
Hofheinz	Stanfield
Huddleston	Wells

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

SENATE BILL NO. 135 ON SECOND READING

On motion of Mr. McKee, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended, for the purpose of considering Senate Bill No. 135.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 135, A bill to be entitled "An Act amending Chapter 18, Acts of the Forty-third Legislature, Second Called Session, page 54 (Article 3886-b), providing for the maximum compensation of assistant county attorneys and other employes of the county attorney in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred and fifty thousand (150,000) in-

habitants and containing two cities of fifty thousand (50,000) population or more each, according to the last Federal Census of 1930; providing for the compensation of assistant county attorneys and other employes of the county attorneys in such counties; repealing all laws and parts of laws in conflict herewith; providing that this Act shall become effective from and after its passage, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 135 ON THIRD READING

Mr. McKee moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 135 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adamson	Gray
Adkins	Greathouse
Aikin	Hankamer
Alsup	Hanna
Atchison	Hardin
Beck	Harris of Archer
Bergman	Harris of Dallas
Bourne	Hartzog
Bradbury	Head
Broyles	Herzik
Burton	Hodges
Butler of Karnes	Holland
Caldwell	Hoskins
Canon	Howard
Clayton	Hunt
Collins	Jackson
Colquitt	James
Cooper	Jones of Falls
Craddock	Jones of Runnels
Daniel	Jones of Shelby
Davis	Jones of Wise
Davisson	Keefe
of Eastland	Knetsch
Dunagan	Lanning
Dunlap of Hays	Latham
Dunlap of Kleberg	Leath
Dwyer	Lemens
England	Leonard
Fain	Lindsey
Farmer	Lucas
Fisher	Mauritz
Ford	McCalla
Fox	McFarland
Frazer	McKee
Fuchs	McKinney
Gibson	Moffett
Glass	Moore
Graves	Morrison

Newton	Shofner
Nicholson	Smith
Olsen	Steward
Padgett	Stinson
Palmer	Stovall
Patterson	Tarwater
Payne	Tennyson
Petsch	Thornton
Pope	Tillery
Quinn	Venable
Reader	Waggoner
Reed of Bowie	Walker
Reed of Dallas	Westfall
Roach of Angelina	Wood of Harrison
Rogers	Wood of Montague
Russell	Young
Rutta	Youngblood
Settle	

Present—Not Voting

McConnell

Absent

Alexander	Hunter
Ash	Jefferson
Bradford	Jones of Atascosa
Butler of Brazos	King
Cagle	Lange
Calvert	Lotief
Celaya	Luker
Colson	Morris
Cowley	Morse
Crossley	Roane
Davison of Fisher	Roark
Duvall	Roberts
Fitzwater	Scarborough
Good	Spears
Hill	Stanfield
Hofheinz	Wells
Huddleston	Worley

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 135 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—110

Adamson	Canon
Adkins	Clayton
Aikin	Collins
Alsup	Colquitt
Atchison	Cooper
Beck	Craddock
Bergman	Daniel
Bourne	Davis
Bradbury	Davisson
Broyles	of Eastland
Burton	Dunagan
Butler of Karnes	Dunlap of Hays
Caldwell	Dunlap of Kleberg

Dwyer	McCalla
England	McFarland
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Ford	Moore
Fox	Morrison
Frazer	Newton
Fuchs	Nicholson
Gibson	Olsen
Glass	Padgett
Graves	Palmer
Gray	Patterson
Greathouse	Payne
Hankamer	Petsch
Hanna	Pope
Hardin	Quinn
Harris of Archer	Reader
Harris of Dallas	Reed of Bowie
Hartzog	Reed of Dallas
Head	Roach of Angelina
Herzik	Rogers
Hodges	Russell
Holland	Rutta
Hoskins	Settle
Howard	Shofner
Hunt	Smith
Jackson	Steward
James	Stinson
Jones of Falls	Stovall
Jones of Runnels	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Thornton
Keefe	Tillery
Knetsch	Venable
Lanning	Waggoner
Latham	Walker
Leath	Westfall
Lemens	Wood of Harrison
Leonard	Wood of Montague
Lindsey	Young
Lucas	Youngblood
Mauritz	

Present—Not Voting

McConnell

Absent

Alexander	Hunter
Ash	Jefferson
Bradford	Jones of Atascosa
Butler of Brazos	King
Cagle	Lange
Calvert	Lotief
Celaya	Luker
Colson	Morris
Cowley	Morse
Crossley	Roane
Davison of Fisher	Roark
Duvall	Roberts
Fitzwater	Scarborough
Good	Spears
Hill	Stanfield
Hofheinz	Wells
Huddleston	Worley

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

SENATE BILL NO. 97 ON SECOND READING

On motion of Mr. Stinson, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended for the purpose of considering Senate Bill No. 97.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 97, A bill to be entitled "An Act amending Chapter 18, Acts of the Third Called Session of the Forty-second Legislature, by adding thereto Section 4-a so as to authorize building and loan associations to make loans under the terms and provisions of Title II of the National Housing Act and to except such loans from the limitations prescribed by said chapter, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 97 ON THIRD READING

Mr. Stinson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 97 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101

Adamson	Crossley
Adkins	Davis
Aikin	Davisson
Alsup	of Eastland
Atchison	Dunagan
Beck	Dunlap of Hays
Bourne	Dunlap of Kleberg
Bradford	England
Broyles	Fain
Burton	Fisher
Butler of Karnes	Ford
Cagle	Fox
Caldwell	Frazer
Canon	Fuchs
Clayton	Glass
Collins	Graves
Colquitt	Gray
Colson	Hankamer
Cooper	Hanna
Craddock	Hardin

Harris of Archer	Morrison
Harris of Dallas	Newton
Hartzog	Nicholson
Head	Olsen
Hodges	Padgett
Holland	Palmer
Hoskins	Patterson
Howard	Payne
Huddleston	Quinn
Hunt	Reed of Bowie
Jackson	Reed of Dallas
James	Roach of Angelina
Jones of Falls	Rogers
Jones of Runnels	Rutta
Jones of Shelby	Settle
Jones of Wise	Shofner
Keefe	Smith
Knetsch	Steward
Lange	Stinson
Lanning	Stovall
Latham	Tarwater
Leonard	Tennyson
Lucas	Thornton
Mauritz	Tillery
McCalla	Waggoner
McConnell	Walker
McFarland	Westfall
McKee	Wood of Harrison
Moffett	Wood of Montague
Moore	Worley
Morris	Youngblood

Nays—4

Bradbury	Greathouse
Farmer	Lindsey

Absent

Alexander	King
Ash	Leath
Bergman	Lemens
Butler of Brazos	Lotief
Calvert	Luker
Celaya	McKinney
Cowley	Morse
Daniel	Petsch
Davison of Fisher	Pope
Duvall	Reader
Dwyer	Roane
Fitzwater	Roark
Gibson	Roberts
Good	Russell
Herzik	Scarborough
Hill	Spears
Hofheinz	Stanfield
Hunter	Venable
Jefferson	Wells
Jones of Atascosa	Young

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 97 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adamson	James
Adkins	Jones of Falls
Aikin	Jones of Shelby
Alsup	Jones of Wise
Atchison	Keefe
Beck	Knetsch
Bergman	Lange
Bourne	Lanning
Bradford	Latham
Broyles	Lemens
Burton	Leonard
Butler of Karnes	Lucas
Caldwell	Mauritz
Canon	McCalla
Clayton	McConnell
Collins	McFarland
Colquitt	McKee
Colson	Moffett
Cooper	Moore
Craddock	Morris
Crossley	Morrison
Davis	Newton
Davisson	Nicholson
of Eastland	Olsen
Dunagan	Padgett
Dunlap of Hays	Palmer
Dunlap of Kleberg	Patterson
England	Payne
Fisher	Quinn
Ford	Reed of Bowie
Fox	Reed of Dallas
Frazer	Roach of Angelina
Fuchs	Roark
Gibson	Roberts
Glass	Rogers
Graves	Rutta
Gray	Settle
Hankamer	Smith
Hanna	Spears
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Hartzog	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Tillery
Hofheinz	Venable
Holland	Waggoner
Hoskins	Westfall
Howard	Wood of Harrison
Huddleston	Wood of Montague
Hunt	Worley
Jackson	Youngblood

Nays—8

Bradbury	Lindsey
Fain	Pope
Farmer	Shofner
Greathouse	Walker

Present—Not Voting

Cagle	Roane
-------	-------

Absent

Alexander	Jones of Atascosa
Ash	Jones of Runnels
Butler of Brazos	King
Calvert	Leath
Celaya	Lotief
Cowley	Luker
Daniel	McKinney
Davison of Fisher	Morse
Duvall	Petsch
Dwyer	Reader
Fitzwater	Russell
Good	Scarborough
Hill	Stanfield
Hunter	Wells
Jefferson	Young

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

SENATE BILL NO. 475 ON SECOND
READING

On motion of Mr. Keefe, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended for the purpose of considering Senate Bill No. 475.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 475, A bill to be entitled "An Act creating the Special Third District Court of Anderson County, Henderson County and Houston County, Texas; prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof; fixing his compensation; making an appropriation for the same; prescribing his powers and duties, etc."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 475 ON THIRD
READING

Mr. Keefe moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 475 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—94

Adamson	Bradford
Alsup	Burton
Atchison	Butler of Karnes
Beck	Caldwell
Bourne	Clayton

Collins	Mauritz
Colquitt	McCalla
Cooper	McConnell
Davis	McFarland
Davison	McKee
of Eastland	McKinney
Dunagan	Moffett
Dunlap of Hays	Moore
Dunlap of Kleberg	Morris
England	Morrison
Fain	Newton
Farmer	Nicholson
Fisher	Olsen
Ford	Padgett
Fox	Palmer
Fuchs	Patterson
Gibson	Payne
Glass	Pope
Gray	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Hardin	Roach of Angelina
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Rogers
Head	Rutta
Hodges	Settle
Hofheinz	Shofner
Holland	Smith
Hoskins	Spears
Howard	Steward
Huddleston	Stinson
Jackson	Tarwater
Jones of Shelby	Thornton
Jones of Wise	Tillery
Keefe	Waggoner
Knetsch	Westfall
Lanning	Wood of Harrison
Latham	Wood of Montague
Lemens	Worley
Leonard	Youngblood
Lucas	

Nays—15

Adkins	Hunt
Aikin	James
Bradbury	Jones of Falls
Broyles	Lindsey
Cagle	Stovall
Canon	Venable
Frazer	Walker
Graves	

Present—Not Voting

Craddock	Roane
Crossley	

Absent

Alexander	Cowley
Ash	Daniel
Bergman	Davison of Fisher
Butler of Brazos	Duvall
Calvert	Dwyer
Celaya	Fitzwater
Colson	Good

Herzik	Luker
Hill	Morse
Hunter	Petsch
Jefferson	Russell
Jones of Atascosa	Scarborough
Jones of Runnels	Stanfield
King	Tennyson
Lange	Wells
Leath	Young
Lotief	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate Bill No. 475 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—90

Adamson	Keefe
Alsup	King
Atchison	Lange
Beck	Lanning
Bergman	Latham
Bourne	Lemens
Bradbury	Leonard
Bradford	Lucas
Burton	Mauritz
Butler of Karnes	McCalla
Caldwell	McConnell
Clayton	McFarland
Collins	McKee
Colquitt	McKinney
Colson	Moffett
Cooper	Moore
Crossley	Morris
Davis	Newton
Dunagan	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Padgett
England	Palmer
Fain	Patterson
Farmer	Pope
Fisher	Quinn
Ford	Reader
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Gibson	Roark
Glass	Roberts
Gray	Rogers
Greathouse	Rutta
Hankamer	Settle
Hanna	Smith
Harris of Dallas	Spears
Head	Steward
Hodges	Stinson
Hofheinz	Tarwater
Holland	Thornton
Hoskins	Tillery
Howard	Westfall
Hunt	Wood of Harrison
Jackson	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Youngblood

Nays—21

Adkins	James
Aikin	Jones of Falls
Broyles	Knetsch
Cagle	Lindsey
Canon	Roane
Davison	Shofner
of Eastland	Stovall
Frazer	Tennyson
Hardin	Venable
Harris of Archer	Waggoner
Huddleston	Walker

Present—Not Voting

Craddock

Absent

Alexander	Jefferson
Ash	Jones of Atascosa
Butler of Brazos	Jones of Runnels
Calvert	Leath
Celaya	Lotief
Cowley	Luker
Daniel	Morrison
Davison of Fisher	Morse
Duvall	Payne
Dwyer	Petsch
Fitzwater	Roach of Angelina
Good	Russell
Graves	Scarborough
Hartzog	Stanfield
Herzik	Wells
Hill	Young
Hunter	

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

Mr. Alsup moved to reconsider the vote by which Senate Bill No. 475 was passed.

The motion to reconsider prevailed.

Question—Shall Senate Bill No. 475 be passed?

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two houses on House Bill No. 11. The following have been appointed on the part of the Senate: Senators Westerfeld, Oneal, Moore, Rawlings, and DeBerry.

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 396 ON SECOND
READING

On motion of Mr. Reed of Dallas, the Twenty-four Hour House Rule, relative to the consideration of printed bills, was suspended for the purpose of considering Senate Bill No. 396.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 396, A bill to be entitled "An Act amending Chapter 204 of the Acts of the Regular Session, Forty-first Legislature, by adding to said Act another section to be known as Section 6-a, making it unlawful for any person, association, or corporation to charge or receive compensation for the placement of a child under fifteen (15) years of age; defining certain exemptions; and providing for the enjoining of such person, association, or corporation in a suit brought by the Attorney General, district or county attorney of any county in which said act or acts may occur, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 396 ON THIRD
READING

Mr. Reed of Dallas moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 396 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112

Adamson	Crossley
Adkins	Daniel
Aikin	Davis
Alsup	Davisson
Atchison	of Eastland
Beck	Dunagan
Bergman	Dunlap of Hays
Bourne	Duvall
Bradford	England
Broyles	Fain
Burton	Farmer
Butler of Karnes	Fisher
Cagle	Ford
Caldwell	Fox
Canon	Frazer
Clayton	Gibson
Collins	Glass
Colquitt	Graves
Cooper	Gray
Craddock	Greathouse

Hankamer	Moore
Hanna	Morris
Harris of Archer	Morrison
Harris of Dallas	Newton
Head	Olsen
Herzik	Padgett
Hill	Palmer
Hodges	Patterson
Hofheinz	Payne
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Roach of Angelina
Huddleston	Roane
Hunt	Roark
Jackson	Roberts
Jones of Atascosa	Rogers
Jones of Falls	Settle
Jones of Runnels	Shofner
Jones of Shelby	Smith
Jones of Wise	Spears
Keefe	Steward
King	Stinson
Knetsch	Stovall
Lange	Tarwater
Lanning	Tennyson
Latham	Thornton
Lemens	Tillery
Leonard	Venable
Lindsey	Waggoner
Lucas	Walker
Mauritz	Westfall
McCalla	Wood of Harrison
McConnell	Wood of Montague
McFarland	Worley
McKee	Young
McKinney	Youngblood
Moffett	

Nays—1

Hardin

Absent

Alexander	James
Ash	Jefferson
Bradbury	Leath
Butler of Brazos	Lotief
Calvert	Luker
Celaya	Morse
Colson	Nicholson
Cowley	Petsch
Davison of Fisher	Pope
Dunlap of Kleberg	Quinn
Dwyer	Reader
Fitzwater	Russell
Fuchs	Rutta
Good	Scarborough
Hartzog	Stanfield
Hunter	Wells

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

The Speaker then laid Senate bill No. 396 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson	Jones of Falls
Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	King
Atchison	Knetsch
Beck	Lange
Bergman	Lanning
Bourne	Latham
Bradford	Lemens
Broyles	Leonard
Burton	Lindsey
Butler of Karnes	Lucas
Cagle	Mauritz
Caldwell	McCalla
Canon	McConnell
Clayton	McFarland
Collins	McKee
Colquitt	McKinney
Colson	Moffett
Cooper	Moore
Craddock	Morris
Crossley	Morrison
Davis	Newton
Davisson	Nicholson
of Eastland	Olsen
Dunagan	Padgett
Dunlap of Hays	Palmer
England	Patterson
Fain	Payne
Farmer	Pope
Fisher	Quinn
Ford	Reed of Bowie
Fox	Reed of Dallas
Frazer	Roach of Angelina
Fuchs	Roane
Gibson	Roark
Glass	Roberts
Graves	Settle
Gray	Shofner
Greathouse	Smith
Hankamer	Spears
Hanna	Steward
Hardin	Stinson
Harris of Archer	Stovall
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Thornton
Herzik	Tillery
Hodges	Venable
Hofheinz	Waggoner
Holland	Walker
Hoskins	Westfall
Howard	Wood of Harrison
Huddleston	Wood of Montague
Hunt	Worley
Jackson	Young
James	Youngblood

Absent

Alexander	Butler of Brazos
Ash	Calvert
Bradbury	Celaya

Cowley	Keefe
Daniel	Leath
Davison of Fisher	Lotief
Dunlap of Kleberg	Luker
Duvall	Morse
Dwyer	Petsch
Fitzwater	Reader
Good	Rogers
Hill	Russell
Hunter	Rutta
Jefferson	Scarborough
Jones of Atascosa	Stanfield
Jones of Runnels	Wells

Absent—Excused

Dickison	Riddle
Hyder	Roach of Hunt

EXPRESSING APPRECIATION
FOR SERVICES OF HON.
HARRY GRAVES

Mr. Duvall offered the following resolution:

Whereas, This is the birthday of the Hon. Harry Graves; and

Whereas, Hon. Harry Graves has been a member of the Legislature for a number of years; and

Whereas, His service to the State is recognized by the members of this House who desire to express to him their good wishes at a time when they can be appreciated by him; therefore, be it

Resolved, That when the House adjourns today it do so in honor of the birthday of said Hon. Harry Graves.

DUVALL,
PETSCH.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 77 ON SECOND
READING

On motion of Mr. Jones of Runnels, the regular order of business was suspended, to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 77, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Upper Colorado River Authority, pursuant to and for the purposes set forth in Section 59 of Article XVI of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge

the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges, and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited, etc., and declaring an emergency."

The bill was read second time.

Mr. Jones of Runnels offered the following committee amendment to the bill:

Amendment House Bill No. 77 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, a conservation and reclamation district to be known as 'Upper Colorado River Authority' (hereinafter called the District) and consisting of that part of the State of Texas which is included within the boundaries of the Counties of Coke and Tom Green. Such District shall be and is hereby declared to be a governmental agency and body politic and corporate, with the power of government and with the authority to exercise the rights, privileges, and functions hereinafter specified, and the creation of such District is hereby determined to be essential to the accomplishment of the purposes of Section 59-a of Article XVI of the Constitution of the State of Texas, including (to the extent hereinafter authorized) the control, storing, preservation and distribution of the waters of the Upper Colorado River and its tributaries for irrigation, power and other useful purposes, the reclamation and irrigation of arid, semi-arid and other lands needing irrigation, and the conservation and development of the forests, water and hydro-electric power of the State of Texas. Nothing in this Act or in any other Act or law contained, however, shall be construed as authorizing the District to levy or collect taxes or assessments, or to create any indebtedness payable out of taxes or assessments, or in any way to pledge the credit of the State.

"Sec. 2. Except as expressly limited by this Act, the District shall have and is hereby authorized to exercise all powers, rights, privileges, and functions conferred by General Law upon any district or districts created pursuant to Section 59-a of Article XVI of the Constitution of the

State of Texas. Without limitation of the generality of the foregoing the District shall have and is hereby authorized to exercise the following powers, rights, privileges, and functions:

"(a) to control, store, and preserve, within the boundaries of the District, the waters of the Colorado River and its tributaries for any useful purpose, and to use, distribute and sell the same, within the boundaries of the District for any such purpose;

"(b) to sell and distribute water without the boundaries of the District to any municipality for domestic, municipal, and irrigation purposes, and to any person, firm, or corporation for municipal purposes or irrigation, together with the right to construct flumes, irrigation ditches, pipe lines, and storage reservoirs without the District for such purposes;

"(c) to develop and generate water power and electric energy within the boundaries of the District and to distribute and sell water power and electric energy, within or without the boundaries of the District; but such use shall be subordinate and inferior to all requirements for irrigation;

"(d) to prevent or aid in the prevention of damage to person or property from the waters of the Colorado River and its tributaries;

"(e) to forest and reforest and to aid in the foresting and reforesting of the watershed area of the Colorado River and its tributaries and to prevent and to aid in the prevention of soil erosion and floods within said watershed area;

"(f) to acquire by purchase, lease, gift, or in any other manner (otherwise than by condemnation) and to maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the District, necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act;

"(g) to acquire by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within or without the boundaries of the District necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act, in the manner provided by General Law with respect to condemnation or, at the option of the District, in the

manner provided by the statutes relative to condemnation by districts organized under General Law pursuant to Section 59-a of Article XVI of the Constitution of the State of Texas.

"(h) Subject to the provisions of this Act from time to time to sell or otherwise dispose of any property of any kind, real or personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

"(i) to overflow and inundate any public lands and public property and to require the relocation of roads and highways in the manner and to the extent permitted to districts organized under law pursuant to Section 59-a of Article XVI of the Constitution of the State of Texas;

"(j) to construct, extend, improve, maintain, and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges, and functions;

"(k) to sue and be sued in its corporate name;

"(l) to make by-laws for the management and regulation of its affairs;

"(m) to adopt, use, and alter a corporate seal;

"(n) to appoint officers, agents, and employes, to prescribe their duties and to fix their compensation;

"(o) to make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act;

"(p) to borrow money for its corporate purposes and, without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, and in connection with any such loan or grant, to enter into such agreements as the United States of America or such corporation or agency may require; and to make and issue its negotiable bonds for moneys borrowed in the manner and to the extent provided in Section 10. Nothing in this Act shall authorize the issuance of any bonds, notes, or other evidences of indebtedness of the District, except as specifically provided in this Act, and no issuance of bonds, notes, or other evidences of indebtedness of the District, except as specifically provided in this Act, shall ever be authorized except by an Act of the Legislature;

"(q) to do any and all other acts or things necessary or convenient to the exercise of the powers, rights, privileges, or functions conferred upon it by this Act or any other Act or law.

"Provided further, that in creating and conferring the benefits of this Act on said District, it is declared as an essential part thereof that irrespective of any existing right or rights or permits issued by the Board of Water Engineers of the State of Texas to use the water of the Colorado River and its tributaries for the generation of hydro-electric power and which rights or permits may be acquired by the District; the impounding and use of the flood waters of the Colorado River and/or its tributaries for the generation of hydro-electric power by the District and/or anyone who may succeed to the rights and privileges conferred upon it by this Act, shall be subject to the rights of any other person, municipal corporation or body politic heretofore impounding or now putting to beneficial use any such waters for the purposes set forth in subdivisions (1), (2), and (3) of Article 7471 of the Revised Civil Statutes of the State of Texas as amended by Chapter 128 of the Acts of the Forty-second Legislature of the State of Texas, when such other person, municipal corporation or body politic has heretofore received a permit for such use or uses from the Board of Water Engineers of the State of Texas, or who by law has heretofore been permitted to impound water for the aforesaid purposes, and nothing in this Act shall ever be construed so as to subject to condemnation by said District or any successors or by anyone who may succeed to the rights and privileges conferred upon it by this Act, any waters heretofore impounded or to be impounded, within or without the District under any law authorizing water to be impounded or under any permits heretofore granted or hereafter granted to a municipal corporation or body politic or any waters heretofore impounded or permitted to be impounded or used without the District under permits heretofore or hereafter granted to any person.

"Nothing in this Act shall be construed as depriving any person or municipality of the right to impound the waters of the Colorado River and/or its tributaries for domestic

and/or municipal purposes, nor of repealing any law granting such rights to persons and municipalities.

"Sec. 2. It is now declared to be the public policy of this State that any and all rights of the District hereby created to impound and/or use and/or sell the waters of the Colorado River and its tributaries for the generation of hydro-electric power, shall be subordinate and inferior to the rights of cities and towns situated within the watershed of the Colorado River and its tributaries to build dams and impound flood waters for municipal purposes; and likewise the rights of the said District hereby created, to impound and/or use and/or sell said waters for the generation of hydro-electric power, shall be subordinate and inferior to the rights of any citizen of Texas, or bodies politic, to build dams and impound the flood waters within the watershed of the Colorado River and its tributaries for domestic purposes and for the purposes of irrigation, and the title to any and all rights, properties, licenses, franchises, and/or permits acquired, or to be acquired, by the Upper Colorado River Authority, shall be and become subject to the limitations imposed by this section.

"Sec. 3. The powers, rights, privileges and functions of the District shall be exercised by a board of nine directors (herein called the Board), all of whom shall be residents of and freehold property taxpayers in the State of Texas; provided that not more than five of such directors shall be residents of the district herein created; provided that not more than three of such directors shall be residents of the same county. All of the directors shall be appointed by the Governor of the State of Texas, five from the District as above provided. The remaining four from the State at large, and shall be confirmed by the Senate, as in other cases. Provided that no person shall be eligible for such appointment if he has, during the preceding three years before his appointment, been employed by an electric power and light company, gas company, telephone company, or any other utility company of any kind or character whatsoever. Of the nine directors first appointed by the Governor, three shall be appointed for a term expiring January 1, 1937, three for a term expiring January 1, 1939, and three for a term expiring Janu-

ary 1, 1941. At the expiration of the term of any director, another director shall be appointed by the Governor. Each director shall hold office until the expiration of the term for which he was appointed, and thereafter until his successor shall have been appointed and qualified, unless sooner removed as in this Act provided. Any director may be removed by the Governor for inefficiency, neglect of duty or misconduct in office, after at least ten days' written notice of the charges against him and an opportunity to be heard in person or by counsel at public hearing. A vacancy resulting from the death, resignation or removal of any director shall be filled by the Governor for the unexpired term of such director. Each director shall qualify by taking the official oath of office prescribed by general statute.

"Each director shall receive a fee of ten dollars (\$10) per day for each day spent in attending meetings of the Board.

"Until the adoption of by-laws fixing the time and place of regular meetings and the manner in which special meetings may be called, meetings of the Board shall be held at such times and places as five of the directors may designate in writing. Five directors shall constitute a quorum at any meeting and, except as otherwise provided in this Act, or in the by-laws, all actions may be taken by the affirmative vote of a majority of the directors present at any such meeting, except that no contract which involves an amount greater than ten thousand dollars (\$10,000), or which is to run for a longer period than a year, and no bonds, notes or other evidence of indebtedness and no amendment of the by-laws shall be valid unless authorized or ratified by the affirmative vote of at least five directors.

"Sec. 4. The Board shall select a secretary who shall keep true and complete records of all proceedings of the Board. Until the appointment of a secretary, or in the event of his absence or inability to act, a secretary pro tem shall be selected by the Board. The Board shall also select a general manager, who shall be the chief executive officer of the District, and a treasurer, who may also hold the office of secretary. All such officers shall have such powers and duties, shall hold office for such term

and be subject to removal in such manner as may be provided in the by-laws. The Board shall fix the compensation of such officers. The Board may appoint such officers, agents and employes, fix their compensation and term of office and the method by which they may be removed, and delegate to them such of its powers and duties as it may deem proper.

"Sec. 5. The moneys of the District shall be disbursed only on checks, drafts, orders or other instruments signed by such persons as shall be authorized to sign the same by the by-laws, or resolution concurred in by not less than five directors. The general manager, the treasurer and all other officers, agents and employes of the district who shall be charged with the collection, custody or payment of any funds of the District shall give bond conditioned on the faithful performance of their duties and an accounting for all funds and property of the District coming into their respective hands, each of which bonds shall be in form and amount and with a surety (which shall be a surety company authorized to do business in the State of Texas) approved by the Board, and the premiums on such bonds shall be paid by the District and charged as an operating expense. Such bonds shall be payable to the board of directors and their successors in office for the use and benefit of the District.

"Sec. 6. The general office of the District shall be located by vote of a majority of the board of directors, the county in which said general offices are located to constitute the domicile of the District, and such general offices shall be in charge of the general manager. The District shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents and records of the District shall be kept at said principal office. Said accounts and contracts shall be open to public inspection at all reasonable times. The Board shall cause to be made and completed within ninety days after the end of each calendar year, an audit of the books of account and financial records of the District for such calendar year, such audit to be made by an independent certified public accountant or firm of certified public accountants. Copies of a written report of such audit, certi-

fied to by said accountant or accountants, shall be placed and kept on file with the Board of Water Engineers, with the Treasurer of the State of Texas and at said principal office, and shall be open to public inspection at all reasonable times.

"Sec. 7. No director, officer, agent or employe of the District shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the District, and if any such person shall be or become so interested in any such contract, he shall be guilty of a felony and on conviction thereof shall be subject to a fine in an amount not exceeding ten thousand dollars (\$10,000) or to confinement in the county jail for not less than one year nor more than ten years, or both.

"Sec. 8. The Board shall establish and collect rates and other charges for the sale or use of water, water connections, power, electric energy or other services sold, furnished, or supplied by the District, which fees and charges shall be reasonable and non-discriminatory and sufficient to produce revenue adequate:

"(a) to pay all expenses necessary to the operation and maintenance of the properties and facilities of the District;

"(b) to pay interest on and principal of all bonds issued under this Act when and as the same shall become due and payable;

"(c) to pay all sinking fund and/or reserve fund payments agreed to be made in respect of any such bonds, and payable out of such revenues, when and as the same shall become due and payable; and

"(d) to fulfill the terms of any agreements made with the holders of such bonds and/or with any person in their behalf.

"Out of the revenues which may be received in excess of those required for the purposes specified in subparagraphs (a), (b), (c), and (d) above, the Board may in its discretion establish a reasonable depreciation and emergency fund, or retire (by purchase and cancellation or redemption) bonds issued under this Act, or apply the same to any corporate purpose.

"It is the intention of this Act that the rates and charges of the District shall not be in excess of what may be necessary to fulfill the

obligations imposed upon it by this Act. Nothing herein shall be construed as depriving the State of Texas of its power to regulate and control fees and/or charges to be collected for the use of water, water connections, power, electric energy, or other service, provided that the State of Texas does hereby pledge to and agree with the purchasers and successive holders of the bonds issued hereunder that the State will not limit or alter the power hereby vested in the District to establish and collect such fees and charges as will produce revenues sufficient to pay the items specified in subparagraphs (a), (b), (c), and (d) of this Section 8, or in any way to impair the rights or remedies of the holders of the bonds, or of any person in their behalf, until the bonds, together with the interest thereon, with interest on unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders and all other obligations of the District in connection with such bonds are fully met and discharged.

"Sec. 9. Any and every indebtedness, liability or obligation of the District, for the payment of money, however, entered into or incurred, and whether arising from contract, implied contract or otherwise shall be payable solely (1) out of the revenues received by the District in respect of its properties, subject to any prior lien thereon conferred by any resolution or resolutions theretofore adopted as in this Act provided, authorizing the issuance of bonds or (2), if the Board shall so determine, out of the proceeds of sale by the District of bonds payable solely from such revenues.

"Sec. 10. The District shall have power and is hereby authorized to issue, from time to time, bonds as herein authorized for any corporate purpose, not to exceed six million dollars (\$6,000,000) in aggregate principal amount. Any additional amount of bonds must be authorized by an Act of the Legislature. Such bonds may either be (1) sold for cash, at public or private sale, at such price or prices as the Board shall determine, provided that the interest cost of the money received therefor, computed to maturity in accordance with standard bond tables in general use by banks and insurance companies,

shall not exceed six per centum (6%) per annum, or (2) may be issued on such terms as the Board shall determine in exchange for property of any kind, real, personal or mixed or any interest therein which the Board shall determine in exchange for property of any kind, real, personal or mixed, or any interest therein which the Board shall deem necessary or convenient for any such corporate purpose, or (3) may be issued in exchange for like principal amounts of other obligations of the District, matured or unmatured. The proceeds of sale of such bonds shall be deposited in such bank or banks or trust company or trust companies, and shall be paid out pursuant to such terms and conditions as may be agreed upon between the District and the purchasers of such bonds. All such bonds shall be authorized by resolution of the Board, concurred in by at least five of the members thereof, and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, not exceeding six per centum (6%) per annum, payable annually or semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges as to principal only or as to both principal and interest, and as to exchange of coupon bonds for registered bonds or vice versa, and exchange of bonds of one denominations for bonds of other denominations, be executed in such manner and be payable at such place or places within or without the State of Texas, as such resolution or resolutions may provide. Any resolution or resolutions authorizing any bonds may contain provisions, which shall be part of the contract between the District and the holders thereof from time to time (a) reserving the right to redeem such bonds at such time or times, in such amounts and at such prices, not exceeding one hundred and five per centum (105%) of the principal amount thereof, plus accrued interest, as may be provided, (b) providing for the setting aside of sinking funds or reserve funds and the regulation and disposition thereof, (c) pledging to secure the payment of the principal of and interest on such bonds and of the sinking fund or reserve fund payments agreed to be made in respect of such bonds, all or any part of the gross or net revenues there-

after received by the District in respect of the property, real, personal or mixed, to be acquired and/or constructed with such bonds or the proceeds thereof, or all or any part of the gross or net revenues thereafter received by the District from whatever source derived, (d) prescribing the purposes to which such bonds or any bonds thereafter to be issued, or the proceeds thereof, may be applied, (e) agreeing to fix and collect rates and charges sufficient to produce revenues adequate to pay the items specified in subdivisions (a), (b), (c), and (d) of Section 8 hereof, and prescribing the use and disposition of all revenues, (f) prescribing limitations upon the issuance of additional bonds and upon the agreements which may be made with the purchasers and successive holders thereof, (g) with regard to the construction, extension, improvement, reconstruction, operation, maintenance, and repair of the properties of the District and carrying of insurance upon all or any part of said properties covering loss or damage or loss of use and occupancy resulting from specified risks, (h) fixing the procedure, if any, by which, if the District shall so desire, the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given, (i) for the execution and delivery by the District to a bank or trust company authorized by law to accept trusts, or to the United States of America or any officer or agency thereof, of indentures and agreements for the benefit of the holders of such bonds setting forth any or all of the agreements herein authorized to be made with or for the benefit of the holders of such bonds and such other provisions as may be customary in such indentures or agreements; and (j) such other provisions, not inconsistent with the provisions of this Act, as the Board may approve.

"Any such resolution and any indenture or agreement entered into pursuant thereto may provide that in the event that

"(a) default shall be made in the payment of the interest on any or all bonds when and as the same shall become due and payable, or

"(b) default shall be made in the payment of the principal of any or all

bonds when and as the same shall become due and payable, whether at the maturity thereof, by call for redemption or otherwise, or

"(c) default shall be made in the performance of any agreement made with the purchasers or successive holders of any bonds.

"And such default shall have continued such period, if any, as may be prescribed by said resolution in respect thereof, the trustee under the indenture or indentures entered into in respect of the bonds authorized thereby, or, if there shall be no such indenture, a trustee appointed in the manner provided in such resolution or resolutions by the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds authorized thereby and at the time outstanding may, and upon written request of the holders of twenty-five per centum (25%) in aggregate principal amount of the bonds authorized by such resolution or resolutions at the time outstanding, shall, in his or its own name, but for the equal and proportionate benefit of the holders of all of such bonds; and with or without having possession thereof:

"(1) by mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the holders of such bonds,

"(2) bring suit upon such bonds and or the appurtenant coupons,

"(3) by action of suit in equity, requires the District to account as if it were the trustee or an express trust for the bondholders,

"(4) by action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds, and or

"(5) after such notice to the District as such resolution may provide, declare the principal of all of such bonds due and payable, and if all defaults shall have been made good, then with the written consent of the holders of twenty-five per centum (25%) in aggregate principal amount of such bonds at the time outstanding, annul such declaration and its consequences; provided, however, that the holders of more than a majority in principal amount of the bonds authorized thereby and at the time outstanding shall by instrument or instruments in writing delivered to such trustee have the right to direct and control any and all action taken or to be taken by

such trustee under this paragraph. Any such resolution, indenture, or agreement may provide that in any such suit, action, or proceeding, any such trustee, whether or not all of such bonds shall have been declared due and payable, and with or without possession of any thereof, shall be entitled as of right to the appointment of a receiver who may enter and take possession of all or any part of the properties of the District and operate and maintain the same, and fix, collect, and receive rates and charges sufficient to provide revenues adequate to pay the items set forth in sub-paragraphs (a), (b), (c), and (d), of Section 8 hereof and the costs and disbursements of such suit, action, or proceeding and to apply such revenues in conformity with the provisions of this Act and the resolution or resolutions authorizing such bonds. In any suit, action, or proceeding by any such trustee, the reasonable fees, counsel fees, and expenses of such trustee and of the receiver or receivers, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge upon any revenues pledged to secure the payment of such bonds. Subject to the provisions of the Constitution of the State of Texas, the courts of the county of the domicile of the District shall have jurisdiction of any such suit, action, or proceeding by any such trustee on behalf of the bondholders and of all property involved therein. In addition to the powers hereinabove specifically provided for, each such trustee shall have and possess all powers necessary or appropriate for the exercise thereof, or incident to the general representation of the bondholders in the enforcement of their rights.

"Before any bonds shall be sold by the District, a certified copy of the proceedings for the issuance thereof, including the form of such bonds, together with any other information which the Attorney General of the State of Texas may require, shall be submitted to the Attorney General, and if he shall find that such bonds have been issued in accordance with law, and if he shall approve such bonds he shall execute a certificate to that effect which shall be filed in the office of the Comptroller of the State of Texas and be recorded in a record kept for that purpose. No bonds shall be issued until the same shall

have been registered by the Comptroller, who shall so register the same if the Attorney General shall have filed with the Comptroller his certificate approving the bonds and the proceedings for the issuance thereof as hereinabove provided.

"All bonds approved by the Attorney General as aforesaid, and registered by the Comptroller as aforesaid, and issued in accordance with the proceedings so approved, shall be valid and binding obligations of the District and shall be incontestable for any cause from and after the time of such registration.

"Sec. 11. All bonds issued by the District pursuant to the provisions of this Act shall constitute negotiable instruments within the meaning of the Negotiable Instruments Law.

"Sec. 12. The District may, but without intending by this provision to limit any powers of the District as granted to it by this Act, enter into and carry out such contracts, or establish or comply with such rules and regulations concerning labor and materials and other related matters in connection with any project or projects as the District may deem desirable or as may be requested by the United States of America, or any corporation or agency created, designated or established thereby, which may assist in the financing of any such project or projects.

"Sec. 13. The District shall have power out of any funds available therefor to purchase any bonds issued by it at a price not exceeding the redemption price applicable at the time of such purchase, or if such bonds shall not be redeemable, at a price not exceeding the principal amount thereof plus accrued interest. All bonds so purchased shall be cancelled and no bonds shall ever be issued in lieu thereof.

"Sec. 14. Nothing in this Act shall be construed as authorizing the District and it shall not be authorized to mortgage or otherwise encumber any of its property of any kind, real, personal, or mixed, or any interest thereon, or to acquire any such property or interest subject to a mortgage or conditional sale, provided that this section shall not be construed as preventing the pledging of the revenues of the District as herein authorized. Nothing in this Act shall be construed as authorizing the sale, lease or other

disposition of any such property or interest by the District, or any receiver of any of its properties or through any court proceedings or otherwise, provided, however, that the District may sell for cash any such property or interest in an aggregate value not exceeding the sum of fifty thousand dollars (\$50,000) in any one year if the Board, by the affirmative vote of six of the members thereof, shall have determined that the same is not necessary or convenient to the business of the District and shall have approved the terms of any such sale, it being the intention of this Act that except by sale as in this section expressly authorized, no such property or interest shall ever come into the ownership or control, directly or indirectly, of any person, firm, or corporation other than a public authority created under the laws of the State of Texas. All property of the District shall be at all times exempted from forced sale, and nothing in this Act contained shall authorize the sale of any of the property of the District under any judgment rendered in any suit, and such sales are hereby prohibited and forbidden.

"Sec. 15. The District shall not prevent free public use of its lands for recreation purposes and for hunting and fishing except at such points where, in the opinion of the Directors, such use would interfere with the proper conduct of the business or in connection with the enforcement of sanitary regulations or to protect the public's health.

"All public rights of way not traversing the areas to be flooded by the impounded waters shall remain open as a way of free public passage to and from the lakes created, and no charge shall ever be made to the public for the right to engage in hunting, fishing, boating, or swimming thereon.

"Upon it being called to the attention of the Attorney General of Texas by any citizen of Texas, that this section has not been complied with, it shall be the duty of the Attorney General of Texas to institute the proper legal proceedings to require said District, or their successors, to comply with the provisions of this section.

"Provided, that if any of the land owned by the District bordering the lakes to be created under the authority of this Act be sold by the District,

the District shall retain in each tract a strip eighty (80) feet wide abutting the high water line of the lake for the purpose of passage and use by the public for public sports and amusements, provided further, however, that this provision shall not apply to any sales of land by the District to any State or Federal agency to be used for game or fish sanctuaries, preserves, or for propagation purposes.

"Sec. 16. All bonds and interest thereon issued pursuant to the provisions of this Act shall be exempt from taxation (except inheritance taxes) by the State of Texas or by any municipal corporation, county, or other political subdivision or taxing district of the State.

"Sec. 17. For a period of twenty years, and commencing with the fiscal year beginning September 1, 1935, there is hereby donated and granted by the State of Texas to the Upper Colorado River Authority herein created, all of the net amounts of the annual current State ad valorem taxes that may be collected from the property and from persons in Coke and Tom Green Counties, Texas, which otherwise would go into the General Fund of the State of Texas, including the rolling stock belonging to railroad companies, which shall be ascertained and apportioned as now provided by law.

"Provided, however, that in no event shall such amounts hereby granted ever exceed in any one county the sum that would be produced for any current year by the levy of the then current State ad valorem taxes for general revenue purposes, or the valuations of said county as shown by Comptroller's records for the year 1934, and all sums collected in excess of such amount shall continue to go into the General Revenue Fund of this State.

"Sec. 18. It shall be the duty of the Comptroller of Public Accounts to certify to the State Treasurer, along with each remittance of State ad valorem taxes collected for the general revenue purposes within any of the counties aforementioned, the amounts thereof which, under the terms of this Act, are granted to the Upper Colorado River Authority; and it shall be the duty of the State Treasurer to allocate and set aside all such sums and hold same separate and distinct from all other moneys for the use and benefit of said Upper

Colorado River Authority to be used only for the purpose of paying interest upon and retiring bonds issued by the Authority.

"Sec. 19. This Act, without reference to other statutes of the State of Texas, shall constitute full authority for the authorization and issuance of bonds hereunder and no other Act or law with regard to the authorization or issuance of obligations or the deposit of the proceeds thereof, or in any way impeding or restricting the carrying out of the acts herein authorized to be done shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto.

"Sec. 20. This Act and all of the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein.

"Sec. 21. There is hereby appropriated for the use of the District out of any funds in the State Treasury, not heretofore otherwise appropriated, the sum of five thousand dollars (\$5,000) which may be withdrawn from time to time on warrant signed by the general manager and treasurer of the District, amounts withdrawn to be repaid into the State Treasury out of the first revenues of the District from whatever source derived.

"Sec. 22. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 23. This Act may be cited as the Upper Colorado River Authority Act.

"Sec. 24. The fact that the Constitution of the State of Texas requires the development and conservation of the natural resources of the State, and that a public calamity exists by reason of overflows and destruction of property by floods upon the Colorado River and its tributaries, and that the conservation of the flood waters of said river will prevent such calamities, and will give employment to persons engaged in such construction, constitutes an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days be, and the same is hereby, suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted'."

Mr. Jones of Runnels offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 77, Section 3, by striking out the first three sentences of said section and substituting in lieu thereof the following:

"The powers, rights, privileges, and functions of the District shall be exercised by a board of nine directors (herein called the Board), all of whom shall be residents of and freehold property taxpayers in the State of Texas; it is further provided that three of said directors shall be resident citizens of Tom Green County, three of said directors shall be resident citizens of Coke County, and the remaining three directors shall be resident citizens of counties contiguous to the District. All of the directors shall be appointed by the Governor of the State of Texas and confirmed by the Senate of Texas."

The amendment was adopted.

Mr. Jones of Runnels offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 77 by adding after Section 17 two new sections to be numbered Section 17-a and Section 17-b, and reading as follows:

"Section 17-a. None of the taxes hereby donated and granted to the said Upper Colorado River Authority, herein created, shall be made available to said Authority as herein provided for unless and until said Authority shall have first received from the United States of America a grant and/or a loan and/or an advancement of sufficient size to reasonably insure the completion of such co-ordinated and completed system of improvement and control of the Colorado River and its tributaries thereto and water thereof as may be approved by the Board of Water Engineers of the State of Texas, such approval to be certified to the Comptroller of this State by said Board of Water Engineers; provided, however, that a legally binding commitment from the United States of America for such grant and/or loan and/or advancement shall be construed as the receiving thereof; such grant and/or loan and/or advancement to be used for the purposes for which said Au-

thority was created, and in accordance with the provisions of this Act, and the taxes hereby donated and granted shall be used only to repay the interest and/or interest due the said United States of America by reason of any loan and/or advancement obtained in accordance with the provisions of this Act; and in the event no grant and/or loan and/or advancement has been received by said Authority, as herein contemplated, by January 1, 1937, then the grant and/or donation of said taxes to said Authority from the State of Texas herein provided for shall be null and void; provided, however, that in the event the grant and/or loan and/or advancement from the United States of America is not received by January 1, 1937, all of such moneys, together with any accrued interest thereon, shall be by the State Treasurer placed in the General Revenue Fund. If the grant and/or loan and/or advancement herein referred to shall be received by said Authority from any department of government set up as an agency by the United States of America, it shall be construed as having been received from the United States of America within the meaning of this Act.

"Section 17-b. An opinion from the Attorney General of Texas as to whether or not a grant and/or loan and/or advancement has been received by said Authority from the United States of America as herein provided for, shall be authority for the action of any person charged with any duty contingent upon such grant and/or loan and/or advancement."

Mr. Aikin raised a point of order on further consideration of the bill at this time, on the ground that same is in violation of certain constitutional provisions.

Question—Shall the point of order be sustained?

NOTICES GIVEN

Mr. Quinn gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 468, which bill was heretofore laid on the table subject to call.

Mr. Knetsch gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 365, which

bill was heretofore laid on the table subject to call.

Mr. James gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 137, which bill was heretofore laid on the table subject to call.

Mr. Duvall gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 601, which bill was heretofore laid on the table subject to call.

Mr. Reader gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 5, which bill was heretofore laid on the table subject to call.

Mr. Lanning gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 454, which bill was heretofore laid on the table subject to call.

Mr. Pope gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 439, which bill was heretofore laid on the table subject to call.

Mr. McCalla gave notice that he would, on the next legislative day, move to take up, for consideration at that time, House Bill No. 700, which bill was heretofore laid on the table subject to call.

HOUSE BILL NO. 455 ON SECOND READING

On motion of Mr. McFarland, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 455, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Section 22, Chapter 26, Acts First Called Session, Forty-second Legislature, amending Section 11, Chapter 162, Acts Regular Session, Forty-third Legislature; and amending Chapter 43, House Bill No. 43, Acts of the Second Called Session of the Forty-third Legislature, 1934; appropriating the proceeds of the tax derived under the provisions hereof; authorizing the Railroad Commission to employ such help and to incur such other expenses as are necessary to enforce the conservation laws of this

State relating to oil and gas and the orders of the Railroad Commission promulgated pursuant thereto, etc., and declaring an emergency."

The bill was read second time.

Mr. McConnell moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion was lost.

Mr. Cooper offered the following committee amendments to the bill:

Amend House Bill No. 455 by inserting after Section 1 the following and renumbering remaining sections accordingly:

"Section 2. The sum of fifty thousand dollars (\$50,000) collected from the tax provided for by Section 1 of this Act shall each fiscal year be placed in a separate fund within the fund provided for by Section 1 hereof, for use by the Attorney General of Texas in the enforcement of the oil and gas conservation laws of Texas, and said Attorney General may expend such funds in the employment of assistants, investigators, clerical help, for court costs, traveling expenses and miscellaneous contingent and all other necessary expenses in the enforcement of said law."

Amend House Bill No. 455 by striking out the words and figures "one-fourth ($\frac{1}{4}$) of one cent (1c)" wherever they appear, and insert in lieu thereof the words and figures "three-sixteenths ($\frac{3}{16}$) of one cent (1c)."

The amendments were severally adopted.

Mr. Leonard offered the following amendment to the bill:

Amend House Bill No. 455 by striking out the first paragraph of Section 4 and inserting in lieu thereof the following:

"The Railroad Commission of Texas is hereby authorized and directed to employ such gaugers, inspectors, investigators, supervisors and clerical help, including three (3) employes who shall be chief engineer, chief petroleum engineer, and administrative chief, and any other help as may be necessary to carry out the provisions of the oil and gas conservation laws of Texas. The salaries for all of said employes shall be in the amounts fixed by the Legislature in the General Appropriations Bill, and likewise the amounts of any expenditures

necessary for the maintenance and necessary contingent expenses of the Oil and Gas Division of said Commission as such expenses are defined on page 498, General Laws of the Forty-third Legislature, Regular Session, shall be as fixed in the General Appropriations Bill by the Legislature."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

House Bill No. 455 was then passed to engrossment.

HOUSE BILL NO. 455 ON THIRD READING

Mr. Cooper moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 455 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121

Adamson	Fuchs
Adkins	Gibson
Aikin	Glass
Alexander	Good
Alsup	Graves
Ash	Gray
Bourne	Greathouse
Bradbury	Hankamer
Bradford	Hanna
Broyles	Harris of Archer
Burton	Harris of Dallas
Butler of Karnes	Hartzog
Cagle	Head
Canon	Hill
Celaya	Hodges
Clayton	Hofheinz
Collins	Holland
Colquitt	Hoskins
Cooper	Howard
Cowley	Huddleston
Craddock	Hunt
Daniel	Hyder
Davis	Jackson
Davisson	James
of Eastland	Jones of Falls
Dunagan	Jones of Runnels
Dunlap of Hays	Jones of Shelby
Duvall	Jones of Wise
England	Keefe
Fain	King
Farmer	Knetsch
Fisher	Lanning
Fitzwater	Latham
Ford	Leath
Frazer	Lemens

Leonard	Roberts
Lindsey	Rogers
Lucas	Russell
Mauritz	Rutta
McCalla	Scarborough
McFarland	Settle
McKee	Shofner
McKinney	Smith
Moffett	Spears
Moore	Stanfield
Morris	Steward
Morrison	Stovall
Newton	Tarwater
Padgett	Tennyson
Palmer	Thornton
Patterson	Tillery
Payne	Venable
Petsch	Waggoner
Pope	Walker
Quinn	Wells
Reader	Westfall
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Roach of Angelina	Worley
Roane	Young
Roark	Youngblood

Nays—2

Crossley	McConnell
----------	-----------

Present—Not Voting

Bergman

Absent

Atchison	Herzik
Beck	Hunter
Butler of Brazos	Jefferson
Caldwell	Jones of Atascosa
Calvert	Lange
Colson	Lotief
Davison of Fisher	Luker
Dunlap of Kleberg	Morse
Dwyer	Nicholson
Fox	Olsen
Hardin	Stinson

Absent—Excused

Dickison	Roach of Hunt
Riddle	

The Speaker then laid House Bill No. 455 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—120

Adamson	Bradbury
Adkins	Bradford
Aikin	Broyles
Alexander	Burton
Alsup	Butler of Karnes
Ash	Cagle
Bourne	Canon

Celaya	Lemens
Clayton	Leonard
Collins	Lindsey
Colquitt	Lucas
Colson	Mauritz
Cooper	McCalla
Cowley	McFarland
Craddock	McKee
Daniel	McKinney
Davis	Moffett
Davison	Moore
of Eastland	Morris
Dunagan	Morrison
Dunlap of Hays	Morse
Duvall	Newton
England	Padgett
Fain	Palmer
Farmer	Patterson
Fisher	Payne
Fitzwater	Petsch
Ford	Quinn
Frazer	Reader
Fuchs	Reed of Bowie
Gibson	Reed of Dallas
Glass	Roach of Angelina
Good	Roane
Graves	Roark
Gray	Roberts
Greathouse	Rogers
Hankamer	Russell
Hanna	Rutta
Harris of Archer	Scarborough
Harris of Dallas	Settle
Hartzog	Shofner
Head	Smith
Hill	Spears
Hodges	Stanfield
Hofheinz	Steward
Holland	Stovall
Hoskins	Tarwater
Howard	Tennyson
Hunt	Thornton
Hyder	Tillery
Jackson	Venable
James	Waggoner
Jones of Falls	Walker
Jones of Runnels	Wells
Jones of Shelby	Westfall
Jones of Wise	Wood of Harrison
Keefe	Wood of Montague
Knetsch	Worley
Lanning	Young
Latham	Youngblood
Leath	

Nays—2

Crossley	McConnell
----------	-----------

Absent

Atchison	Dunlap of Kleberg
Beck	Dwyer
Bergman	Fox
Butler of Brazos	Hardin
Caldwell	Herzik
Calvert	Huddleston
Davison of Fisher	Hunter

Jefferson Luker
Jones of Atascosa Nicholson
King Olsen
Lange Pope
Lotief Stinson

Absent—Excused

Dickison Roach of Hunt
Riddle

Mr. Cooper moved to reconsider the vote by which House Bill No. 455 was passed, and to table the motion to reconsider.

The motion to table prevailed.

ADJOURNMENT

On motion of Mr. Lemens, the House, at 5:45 o'clock p. m., adjourned until 9 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Banks and Banking: House Bills Nos. 880, 892, 896, 928, and 929.

Conservation and Reclamation: House Bill No. 933.

Criminal Jurisprudence: Senate Bill No. 341, and House Bill No. 917.

Game and Fisheries: House Bills Nos. 908, 909, 911, 912, and 915.

Insurance: Senate Bills Nos. 48 and 358, and House Bill No. 762.

Judiciary: House Bill No. 865.

Revenue and Taxation: House Bills Nos. 829, 853, 904, and 934.

The following committees have filed adverse reports on bill and resolution as follows:

Appropriations: House Concurrent Resolution No. 64.

Revenue and Taxation: House Bill No. 598.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 722, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than seven thousand, five hundred and fifty (7,550) and not more than seven thousand, five hundred and eighty (7,580) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, April 4, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 751, "An Act reappropriating the unexpended balance of the appropriation made for contingent expenses of the Third Called Session of the Forty-third Legislature for the purpose of paying contingent expenses of the Fourth Called Session of the Forty-third Legislature and supplementing the appropriation made for that purpose, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

In Memory of Col. C. C. Todd

Mr. Butler of Brazos offered the following resolution:

Whereas, On the first day of April, 1935, Col. C. C. Todd, retired army officer and former Commandant of Cadets at Texas A. and M. College, where he served as Professor of Military Science and Tactics, was called to his eternal reward; and

Whereas, Colonel Todd was a veteran of the Spanish-American War, the Filipino Insurrection, and the World War; Past District Governor of Rotary International, and was serving his second consecutive year as President of the Bryan and Brazos Chamber of Commerce; and

Whereas, He was an honored and valuable citizen of his community, active in civic and religious work, and a practicing attorney; and

Whereas, The members of this body are grieved over the passing of this distinguished citizen and sympathize deeply with his wife and son; therefore, be it

Resolved by the House of Representatives of the Forty-fourth Legislature, That we extend our deep sympathy to his family, and that a copy of this resolution be spread upon the Journal of the House, and a copy be furnished the family of the deceased, and that when the House adjourns today it be in his memory.

BUTLER of Brazos,
LANGE.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Colson, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hanna, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Palmer, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Aikin, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.